

REZONING APPLICATION CHECKLIST

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

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

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

_____ 3. Submit **Application** (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)

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

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

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

1. **Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.

2. **Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.

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

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

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

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

_____ a. complete boundaries of subject property;

_____ b. dimensioned access points and vehicular circulation drives;

_____ c. location of all existing and proposed buildings, structures, setbacks and parking;

_____ d. location of 100 year floodplain and any streams;

_____ e. notation of the total acreage or square footage of the subject property;

_____ f. landscaping, tree removal and replacement, buffer(s); and

_____ g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.

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

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

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

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: _____

Applicant E-Mail Address: _____

Applicant Mailing Address: _____

Applicant Daytime Phone: _____ Fax: _____

Owner Name: _____

If more than one owner, attach list of owners.

Owner Mailing Address: _____

Owner Daytime Phone: _____

Address of Subject Property: _____

Parcel ID#: _____

Acreage: _____ Commission District: _____

Present Zoning District(s): _____

Proposed Zoning District: _____

Present Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

IMPACT ANALYSIS

(Please respond to the following standards and factors on a separate sheet.)

Section 27-7.3.5. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will adversely affect the existing use of usability of adjacent or nearby properties.
- E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

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 filling of this application?

Yes _____ No _____*

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

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

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

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent _____

Expiration Date/ Seal

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

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: _____

TO WHOM IT MAY CONCERN:

(I) (WE) _____
Name of owner(s)

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

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

FILING FEES

At the time of submittal, a filing fee shall accompany each application as follows:

<u>Rezoning</u>	<u>FEE</u>
RE, RLG, R-100, R-85, R-75, R-60 MHP, RNC, RSM, MR-1. M-2	\$500.00
HR-1, HR-2, HR-3 MU-1, MU-2, MU-3, MU-4, MU-5 O-L, OD, OIT, NS, C-1, C-2, M. M-2	\$750.00

If the application is a request to rezone to more than one zoning district, the higher fee will apply.

Applications for non-contiguous property (separated by a street) must be filed separately. A separate fee will be charged for each application. Applications deferred "full cycle" do not require additional fees. An application that is withdrawn and later re- filed will be treated as a new case and will require a new fee.

From: [Michele Battle](#)
To: [Prince, Jahnee R.](#)
Cc: [White, Brandon L.](#)
Subject: RE: Proposed Zoning Resolution
Date: Thursday, November 5, 2020 10:34:20 AM
Attachments: [image001.png](#)

Understood. I think it is time, however, for some changes to that standard resolution to be up with the times. It has been used pretty much unchanged for 5 plus years. The pre-filing community meetings are a big issue for the County and for Applicants. We want to get it right, but we have to have reasonable requirements that are attainable. Communities, including Community Council members, are holding us to this requirement. I got beat up on an application last year because I failed to give a community group notice, and I had no idea that the group even existed. I think that including Community Council in the pre-filing meetings should be sufficient, and they are welcome to forward the notice around to any community groups that they know of that would be interested in the matter. The list that the Planning Dept provides to applicants is only marginally helpful because it is for the entire district and not just the geographic area in which the property is located.

Michèle L. Battle, Esq.
Battle Law, P.C.



One West Court Square, Suite 750,
Decatur, GA 30030

Phone: 404.601.7616

Fax: 404.745.0045

E-mail: mlb@battlelawpc.com

Hours: 9:00am to 5:00pm M-TH, 9:00am to 1:00pm F

www.battlelawpc.com

IRS Circular 230 Disclosure:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

From: Prince, Jahnee R. <jrprince@dekalbcountyga.gov>

Sent: Thursday, November 5, 2020 8:16 AM

To: Michele Battle <mlb@battlelawpc.com>

Cc: White, Brandon L. <BLWhite@dekalbcountyga.gov>

Subject: Re: Proposed Zoning Resolution

Thanks Michelle. It's just the standard resolution that the County uses every year. Commissioner Bradshaw has already let us know that we have to change the January cycle to the 5:30 meetings and Zoom. I imagine that we will have more changes.

Jahnee Prince, AICP

Deputy Director

DeKalb County Department of Planning & Sustainability

330 W. Ponce de Leon Avenue, 3rd Floor

Decatur, GA 30030

404-371-6229 office

404-430-1006 cell

From: Michele Battle <mlb@battlelawpc.com>

Sent: Wednesday, November 4, 2020 6:13 PM

To: Baker, Andrew <aabaker@dekalbcountyga.gov>; Prince, Jahnee R.

<jrprince@dekalbcountyga.gov>; White, Brandon L. <BLWhite@dekalbcountyga.gov>

Subject: Proposed Zoning Resolution

Andrew, Jahnee and Brandon,

I have a few comments and concerns regarding the proposed Zoning Calendar Resolution on this month's agenda:

1. As currently written Paragraph 10 (a) pertaining to Pre-Submittal Community Meetings requires in person meetings. I believe that this provision should be amended to allow for either in person or online meetings. I have had great success with online Zoom meetings for my community meetings. I have routinely had in excess of 50 people on my community meetings held online, and in some instances over 100 people. I believe that people are now comfortable with using this technology and with COVID numbers still running high, I think that it is short sighted not to allow for applicants to have the option of holding online meetings. Also, we record our meetings, which means that community members who miss meetings are able to get a copy of the recording. We send these out upon request all the time. It should be noted that many facilities were meetings can be held are still closed, or have limited capacity due to COVID. We have to live and work in our new normal, and this includes conducting community meetings.

2. Applicants are also required to notify neighborhood groups and community groups within ½ mile of the project. Quite honestly this has always been a point of contention for me. We have no way of knowing the neighborhood groups and community groups in the area, unless that information is provide to us. Additionally, the list provided by the Planning Department is simply unworkable. They have a list for the entire District. It is not limited to the geographic area of the project. I can tell you that 90% of the Applicants are not meeting this requirements as there is no way to determine to whom to send the notice. I honestly don't know how to deal with this issue, other than to limit the notices to community groups to those who register with the Planning Department for a particular geographic area. Alternatively, the notification radius can be increased from 500 ft to 750ft or 1000ft with the community and neighborhood group notification being dropped. As it is we are now being required by all of the Community Council Districts to notify them of all pre-filing community meetings, which is technically not required by this Resolution. If we don't give them notice, they hold it against us at the Community Council meetings, and in some instances have recommended denial because they were not invited, or didn't receive their notice in what they consider to be a timely manner. Maybe notification of surrounding community groups cold be replaced with notification of Community Council. What I do know is that notifying community groups, HOAs and neighborhood groups is not really working. We have no way to know who they are, and I doubt that staff knows who they are either in order to verify that the correct groups were notified.

I am more than happy to discuss these concerns with you. I just saw the Resolution which is why I am just getting these comments to you. I will raise these issues at tomorrow evenings Planning Commissioner meeting. I am also sending these comments to Commissioner Cochran Johnson and Commissioner Gannon as the 2 representatives for the entire County.

Michèle L. Battle, Esq.
Battle Law, P.C.



One West Court Square, Suite 750,
Decatur, GA 30030

Phone: 404.601.7616

Fax: 404.745.0045

E-mail: mlb@battlelawpc.com

Hours: 9:00am to 5:00pm M-TH, 9:00am to 1:00pm F

www.battlelawpc.com

IRS Circular 230 Disclosure:

To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Confidentiality Notice

This message is being sent by or on behalf of a lawyer. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named

addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.