



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

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

**Planning Commission Hearing Date: September 10, 2019, 6:30 P.M.**

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

**STAFF ANALYSIS**

**Case No.:** Z-19-1243385 **Agenda #:** N. 8

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

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

**Request:** Rezone property from R-100 (Residential Medium Lot-100) to MR-1(Medium Density Residential-1) for a mixed residential development consisting of 132 single-family attached townhomes and 24 single-family detached homes at a density of 9 units per acre.

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

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

**Acreage:** 17.24 acres

**Existing Land Use:** Two single-family homes

**Surrounding Properties:** To the north: Interstate 20; to the northeast and east: the Wesley Club multifamily residential development (zoned HR-2); to the southeast: vacant, wooded land (zoned R-100); to the south, southwest, west, and northwest: single-family detached homes (zoned R-100)

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

<b>Proposed Density:</b> 9.05 units/acre	<b>Existing Density:</b> .12 units/acre
<b>Proposed Units:</b> 156	<b>Existing Units:</b> 2
<b>Proposed Open Space:</b> Information not provided	<b>Existing Open Space:</b> (estimated) 98%

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

**Zoning History:** In June, 2007, the Board of Commissioners denied an application to rezone the subject property from R-100 (Residential Medium Lot-100) to RM-75 (a pre-2015 multifamily residential zoning classification) for a mixed single-family and townhome development of 10.4 units per acre. The Board of Commissioners also denied a companion application to amend the Future Land Use Map from LDR (Low Density Residential) to HDR (High Density Residential).

## **SITE AND PROJECT ANALYSIS**

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

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

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

The property is included in the study area of the Wesley Chapel Livable Centers Initiative (LCI) study, which proposes a four- to two-lane residential street through the subject property to connect the Town Center land uses north of I-20 with the educational land uses approximately 1,600 feet south of the subject property (the Wesley Chapel Library, Rainbow Elementary School, and South DeKalb High School). The master plan of the study shows townhomes to the east of this street and single-family residential to the west. Mixed use development would be located to the west of Wesley Chapel Road. The study thus plans for a transition of densities and intensities of land uses from Wesley Chapel Road to the single-family residential neighborhoods to the west of the subject property.

The proposal under consideration is for 132 single-family attached (townhome) units and 24 single-family detached homes with a density of 9.05 units per acre. Vehicular access would be provided from the Kelley Chapel Road stub and at three points on Snapfinger Road. The single-family lots would be located on the west side of the site, on the side of the site that is closest to the single-family residential lots of the Rainover Estates subdivision. The townhomes are laid out in rows along 560- to 600- foot long blocks in buildings of six to ten units each. Each townhome unit would have a front-entry, two-car garage. Areas to be used for rear yards are delineated. Strips of common area, approximately 12 feet wide, run between the rear yards.

The site plan shows that the wooded area at the north end of the site, next to I-20, would remain undeveloped. A "tot lot" playground which appears to be approximately 80 square feet, is shown near the Kelley Chapel Road entrance to the development. A mail kiosk is also located near this entrance.

### **Access and Transportation Considerations:**

Snapfinger Road and the Kelley Chapel Road dead-end are both two-way local streets that connect the property to Rainbow Drive, a two-way, east-west arterial. The Kelley Chapel Road-Rainbow Drive intersection is improved with turn lanes, traffic signals, and pedestrian crossings. Snapfinger Road intersects with Rainbow Drive approximately 300 feet west of the Rainbow Drive-Wesley Chapel Road intersection, where Rainbow Drive has been widened to accommodate turning movements in and out of the commercial properties located on all four sides of the intersection. Sidewalks are located on both sides of Rainbow Drive up to the intersection, allowing pedestrian access from the subject property to the commercial land uses at the intersection, which has signaled pedestrian

crosswalks. However, dedicated turn lanes and numerous curb cuts on the commercial properties pose hazards for pedestrians.

**Compliance with District Standards:**

<b>MR – 1 STANDARD</b>	<b>REQUIRED/ALLOWED</b>	<b>PROVIDED/PROPOSED</b>	<b>COMPLIANCE</b>
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 8 d.u.s/acre W/Bonuses: 12 d.u.s/ac.	9.05	
DENSITY BONUSES	Public improvements, transit proximity, non-residential uses, amenity proximity	Information not provided.	Information not provided.
MIN. OPEN SPACE /ENHANCED OPEN SPACE (Applicable if project is > 5 ac. or ≥ 36 d.u.s)	Open space: min. 20% of total site acreage = 3.44 ac. Enhanced O.S.: min. 10% of total site acreage = 15,019 s.f.	Information not provided. “Tot lot” – approximately 80 square feet	Information not provided. Variance required for enhanced open space
MIN. TRANSITIONAL BUFFER	30-foot buffer along north and south property lines	30-foot buffer along north and south property lines	Yes
MIN. LOT AREA	S-F detached: 5,000 s.f.	5,000 s.f.	Yes
MIN. LOT WIDTH	S-F detached: 50 feet	50 feet	Yes
MIN LOT DEPTH- NEW CORNER LOT	65 feet	90 – 124 ft.	Yes
MAX. LOT COVERAGE – S-F LOTS	50%	Information not provided	Information not provided
MAX. LOT COVERAGE –TOTAL ACREAGE OF TOWNHOME PORTION	70%	Information not provided	Information not provided
<b>BUILDING SETBACKS</b>	FRONT (Town Center)	S-F detached: determined by ROW and streetscape (min. 10 ft.) S-F attached: Not applicable	10 ft. Yes
	INTERIOR SIDE	S-F detached: 3 ft. w/min. 10 ft. separation between bldgs. S-F attached: Not applicable	5 ft. for each lot (10 ft. separation) Yes
	SIDE – CORNER LOT	S-F detached: 10 ft. S-F attached: Not applicable	10 ft. Yes
	REAR W/O ALLEY	S-F detached: 20 ft. S-F attached: Not applicable	15 ft. Setbacks must comply or variances must be approved.

MINIMUM UNIT SIZE	S-F detached: 1,200 s.f. S-F attached: 1,200 s.f.	Information not provided.	Information not provided.
MAX. BLDG. HEIGHT	S-F detached: 35 ft. S-F attached: 3 stories or 45 ft.	2 stories or 35 ft. 2 stories or 35 ft.	Yes Yes
PARKING	S-F detached: Min. 2/unit; Max. 4/unit  S-F attached: min. 1.5/unit + .25 guest pkng.; max. 3/unit + .25 guest pkng.	S-F detached: 2 garage, 2 driveway  S-F attached: 1 garage, 2 driveway  19 spaces at mail kiosk	S-F detached: Yes  S-F attached: Variance required to reduce guest parking
MIN. STREETSCAPE DIMENSIONS - PRIVATE DRIVES	5-ft. landscape strip and 5-ft. sidewalk on each side; street trees every other unit, or separation of peds & autos	6-ft. landscape strip and 5-ft. sidewalk on each side; street trees every 50 ft.	Variance required for street tree spacing

**QUALITY OF LIFE METRICS**

Open Space: Information not provided.

Linear Feet of New Sidewalk or Trails: Information not provided.

**STAFF RECOMMENDATION:**

The applicant has requested a full cycle deferral to allow time to work with Department of Planning and Sustainability staff and community representatives on the proposal and the site plan. Staff concurs with this request and recommends "Full Cycle Deferral".

**Attachments:**

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Building Design Examples
7. Zoning Map
8. Land Use Map
9. Aerial View
10. Site Photos

## NEXT STEPS

*Following an approval of this zoning action, one or several of the following may be required:*

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✔ • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✔ • **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- ✔ • **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**

## Comments – Transportation Division



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

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

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

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

N12. No Comments

N13. No Comments

N14. No Comments

N15. No Comments

28



# 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](mailto:mmalexander@dekalbcountyga.gov) AND/OR LASONDRA HILL [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)**

## COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-19-1243385 Parcel I.D. #: 15-126-05-003, 015, 021, 022  
Address: 2658  
Kelley Chapel Rd  
Dacula, Ga.

### Adjacent Roadway (s):

_____	_____
(classification)	(classification)
Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> 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 INTERFERE WITH TRAFFIC FLOW.</u>

Signature: Jerry White



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE:** PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

**COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-19-1243385

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

Address: 2658 Kelly Chapel Road

Decatur, Georgia

**WATER:**

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

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: Cobb Fowler Creek Basin

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

Water Treatment Facility: Snapfinger Creek WTF ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD) Current Flow: 21.77 (MGPD)

**COMMENTS:**

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process. \*


Signature: 



DEKALB COUNTY



Board of Health

8/15/2019

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

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

DeKalb County Board of Health

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/15/2019

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N.5

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

1639 Eastland Road, Atlanta, GA 30316

Amendment

- Please review comments.

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N.6

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

5065 Flat Shoals Pkwy, Decatur, Ga 33034

Amendment

- Please review comments.

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N.7

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

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

Amendment

- Please review comments.

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N.8

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

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

Amendment

- Please review comments.







DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

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

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

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

Applicant Phone: 404.601.7616 Fax: 404.745.0045

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

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

Owner(s) Phone: 770.317.3000 Fax:

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

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

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

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

Present Land Use Category: SUB Proposed: IN TC MUF

PLEASE READ THE FOLLOWING BEFORE SIGNING

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

Disclosure of Campaign Contributions

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

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? X Yes No

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

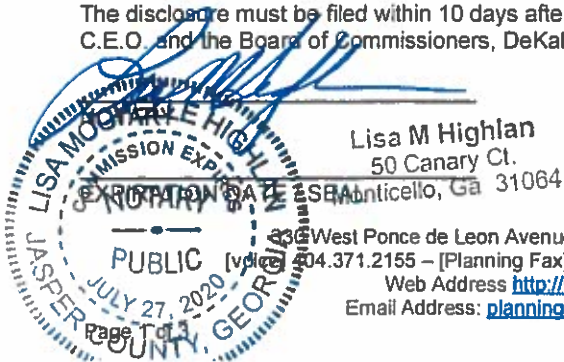
- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

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

Georgia General Snapfinger Development, LLC
By: [Signature]

SIGNATURE OF APPLICANT / DATE

Check One: Owner X Agent



Lisa M Highlan
50 Canary Ct.
Smyrna, Ga 31064

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

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

**What is a Community Meeting?**

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

For More Info Contact Batoya Clements at:

Phone: 404-601-7616 ext. 2

Fax: 404-745-0045

Email: [bdc@battlelawpc.com](mailto:bdc@battlelawpc.com)

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

2658 Kelly Lake Road

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

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

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

SIGN IN SHEET

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

COMMUNITY MEETING

Wesley Chapel Library-2861 Wesley Chapel Road

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

Please print legibly

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



### I. STATEMENT OF INTENT

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

Tax Parcel 15 126 05 015     2658 Kelley Chapel Road

Tax Parcel 15 126 05 021     2317 Snapfinger Road

Tax Parcel 15 126 05 022     2610 Snapfinger Road

Tax Parcel 15 126 05 003     2349 Snapfinger Road

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

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

### III. IMPACT ANALYSIS

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



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

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

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

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

- (c) Economic use of current zoning: The Subject Property has no use as currently zoned R-100 based on the adjacent multi-family use.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability and convenient access to major thoroughfares. The proposed rezoning will not cause excessive use of streets, transportation facilities, utilities, or schools in the area.

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- (e) Environmental Impact. The approval of this Rezoning Application will not result in any adverse environmental impact.
- (f) Effect on adjoining governmental interest. The approval of this Rezoning Application will not have any adverse impact on any adjoining governmental interests. The Subject Property is located in unincorporated DeKalb County, as is not near the boundaries of any incorporated City.
- (g) Conformity with the Intent of the Comprehensive Plan or Land Use Plan: The proposed

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

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

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

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

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

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

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

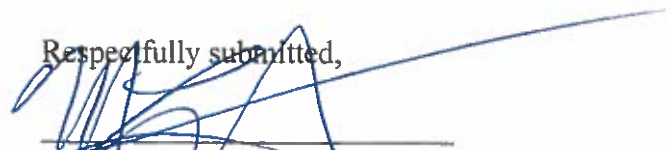
housing, yet more and more people need affordable housing. It is no secret that the County is seeking rapid rail from to the Stonecrest Mall area. In order to achieve this goal density must increase along the route to justify the rail line. The remove of 257 dwelling units would therefore be in opposition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

#### **IV. CONCLUSION**

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

and are attached hereto and by this reference incorporated herein.

This 3<sup>rd</sup> day of July, 2019.

Respectfully submitted,  
  
Michele L. Battle, Esq.  
Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF  
CONSTITUTIONAL RIGHTS

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

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

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

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

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

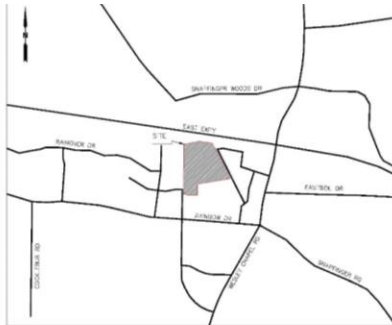
A refusal to allow the land use amendment and/or rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s)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

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.

N. 7 LP-19-1243384

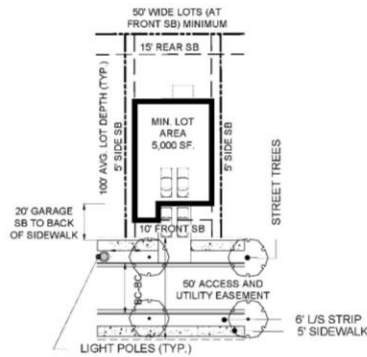
N. 8 Z-19-1243385

# Site Plan

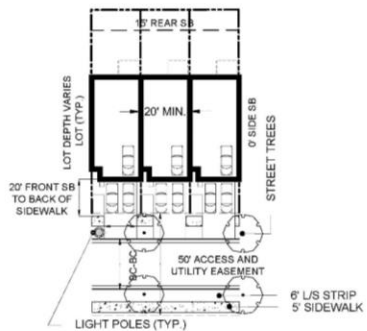


VICINITY MAP - NOT TO SCALE  
LAND LOT(S): 126 DISTRICT: 15TH  
DEKALB COUNTY  
DATE: JUNE 16, 2019

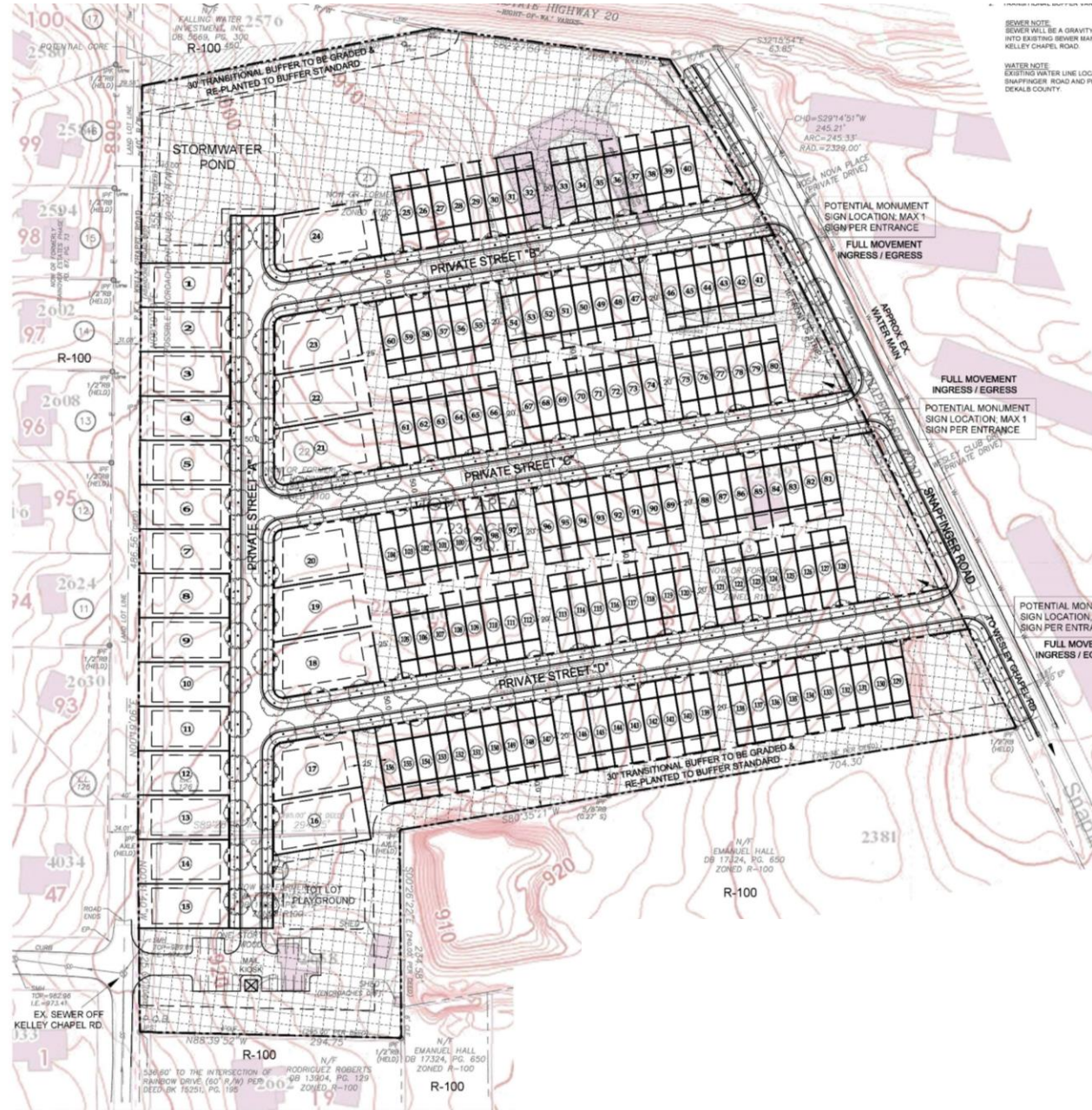
NO PORTION OF THIS PROPERTY IS LOCATED IN  
A FEMA FLOOD PLAIN AS PER FEMA MAP NO.  
13099C0151J, DATED MAY 16, 2013



TYPICAL LOT DETAIL - N.T.S.  
SINGLE FAMILY DETACHED  
FRONT ENTRY - 30' X 100'



TYPICAL LOT DETAIL - N.T.S.  
SINGLE FAMILY ATTACHED  
FRONT ENTRY - 20' X 48'



SEWER NOTE:  
SEWER WILL BE A GRAVITY /  
INTO EXISTING SEWER MAIN  
KELLEY CHAPEL ROAD.

WATER NOTE:  
EXISTING WATER LINE LOCA  
SNAPPING ROAD AND PR  
DEKALB COUNTY.

POTENTIAL MONUMENT  
SIGN LOCATION, MAX 1  
SIGN PER ENTRANCE

FULL MOVEMENT  
INGRESS / EGRESS

FULL MOVEMENT  
INGRESS / EGRESS

POTENTIAL MONUMENT  
SIGN LOCATION, MAX 1  
SIGN PER ENTRANCE

POTENTIAL MONUMENT  
SIGN LOCATION, 1  
SIGN PER ENTRANCE

FULL MOVEMENT  
INGRESS / EG

R-100  
N/E EMANUEL HALL  
DB 17324, PG. 650  
ZONED R-100

R-100  
N/E EMANUEL HALL  
DB 13904, PG. 129  
DEED BK 18251, PG. 195  
ZONED R-100

R-100



N. 7 LP-19-1243384

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## Building Design Example 1



N. 7 LP-19-1243384

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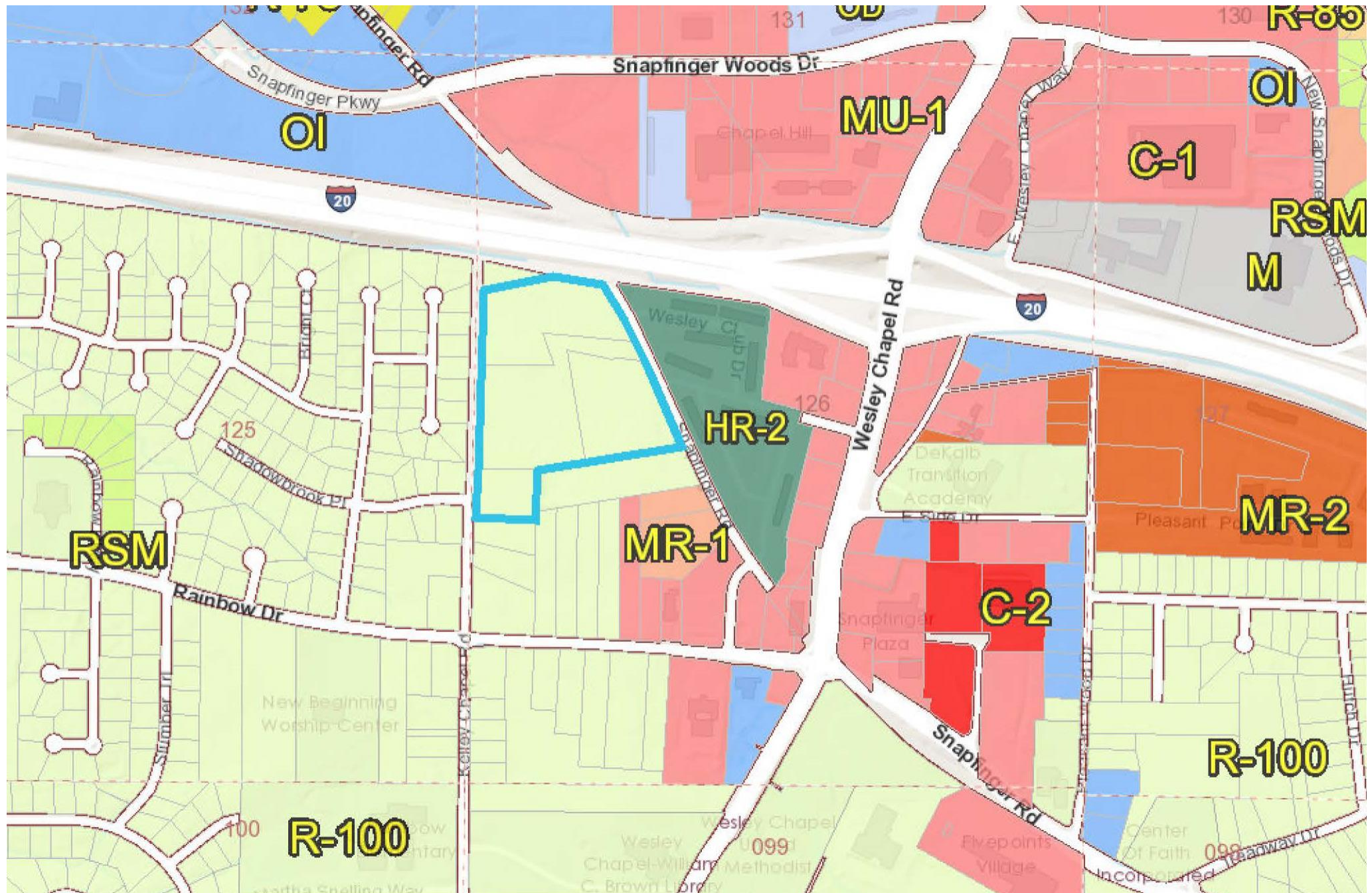
## Building Design Example 2



N. 7 LP-19-1243384

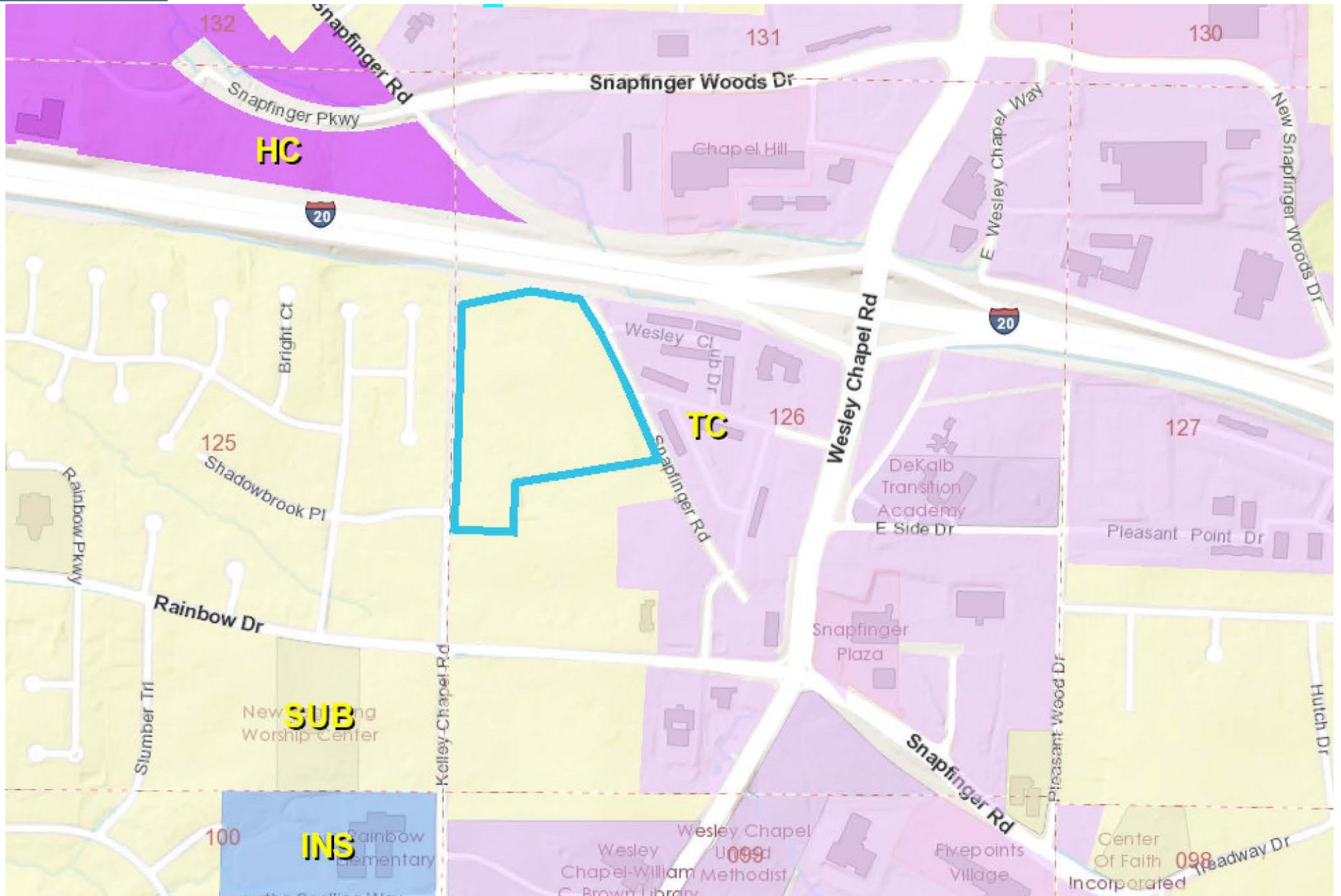
N. 8 Z-19-1243385

# Zoning Map

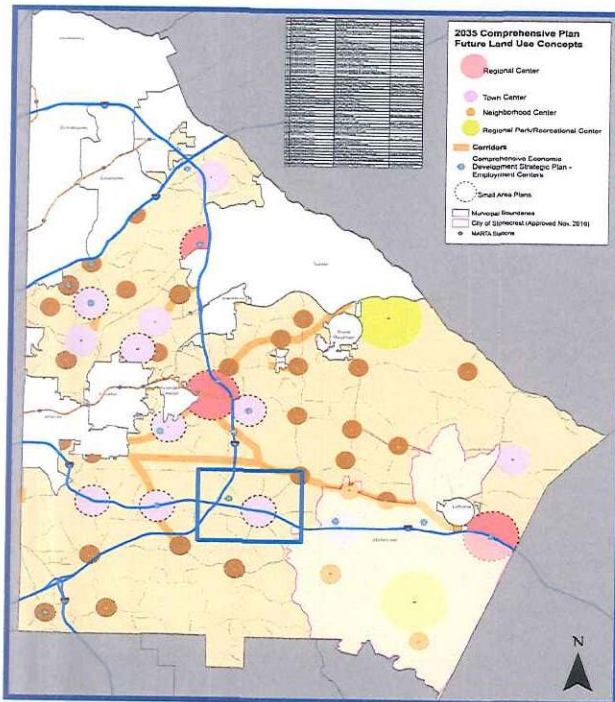


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N. 8 Z-19-1243385

# Land Use Map



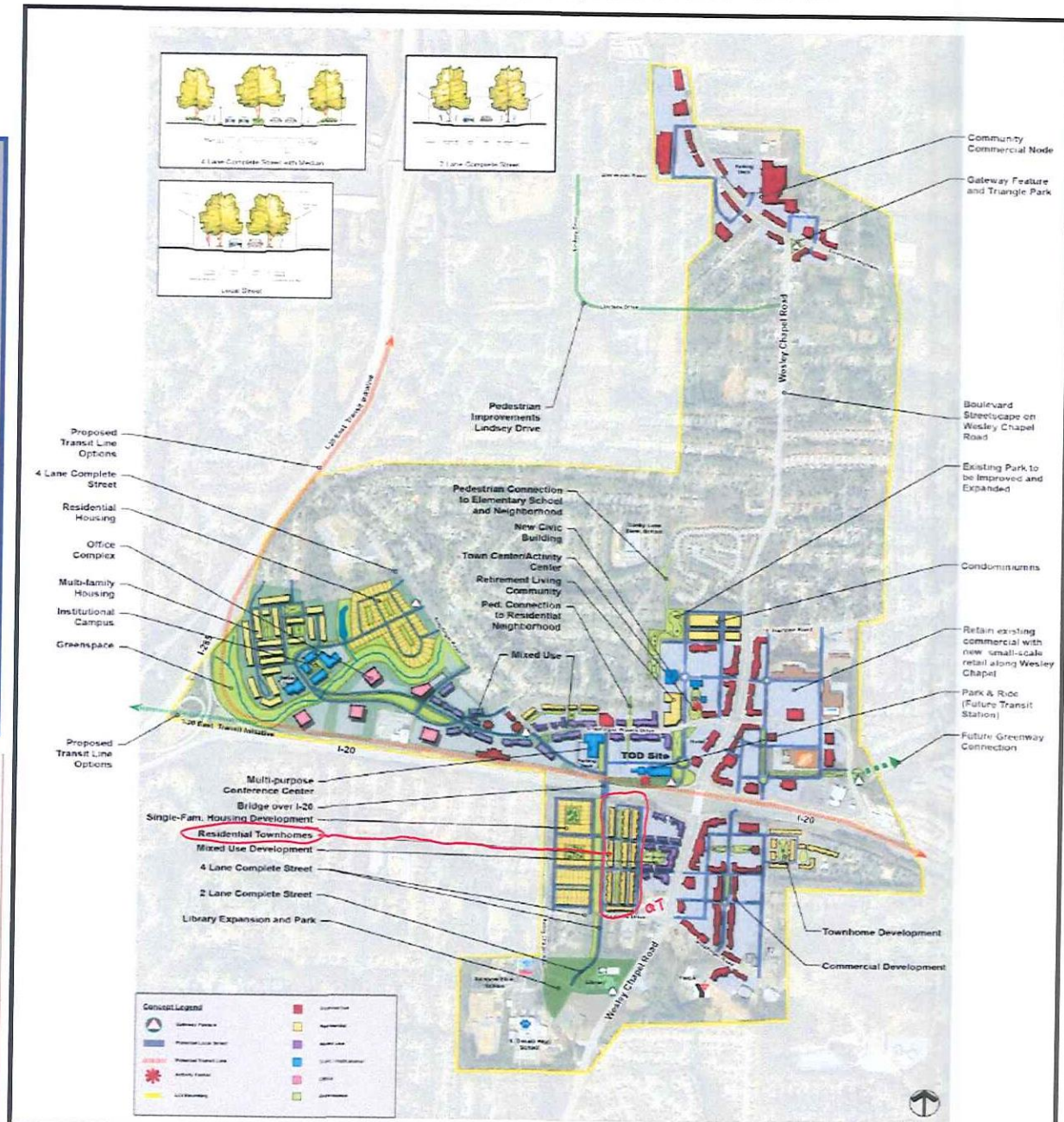
Location: Northern portion of the county,  
Commission Districts 3  
Super District 7  
Small Area Plan (SAP): Wesley Chapel LCI Plan  
Implementation Tool: I-20 Overlay District



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.



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# Aerial View



N. 7 LP-19-1243384

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# Site Photos



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



N. 7 LP-19-1243384

N. 8 Z-19-1243385

## Site Photos



Snapfinger Road frontage and Wesley Club Apartments on opposite side.