

Planning Commission Hearing Date: July 7, 2026
Board of Commissioners Hearing Date: August 13, 2026

STAFF ANALYSIS

CASE NO.:	Z-26-1247923	File ID #: 2026-0139
Address:	3003 Chamblee-Tucker Road; 2936 Mercer University Dr., Chamblee, GA 30341	Commission Districts: 1 & 7
Parcel ID(s):	18 283 04 001; 18 266 05 014	
Request:	Application of Urbanvue Apartments c/o Battle Law, P.C. to rezone property from O-I (Office-Institutional) zoning district to MR-1 (Medium Density Residential-1) zoning district to allow a townhome community.	
Property Owner(s):	Urbanvue Apartments, LLC	
Applicant/Agent:	Urbanvue Apartments, LLC c/o Battle Law, P.C.	
Acreage:	5.66 acres	
Existing Land Use:	Regional Center	
Surrounding Properties:	North: O-I (Office-Institutional), R-100 (Residential Medium Lot-100) South: O-I East: R-100 West: O-I, NS (Neighborhood Shopping)	
Comprehensive Plan:	Regional Center	Consistent X Inconsistent

STAFF RECOMMENDATION: DENIAL.

The Applicant is requesting a rezone from O-I (Office-Institutional) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop a forty-one (41) unit townhome community (7.25 units/acre). In 2023, the applicant sought a Special Land Use Permit (SLUP) to redevelop an existing office building into a multi-family residential apartment building with newly constructed townhomes consisting of fifty (50) units in total. Due to market conditions, the applicant is now seeking the current proposal (attached townhomes) requiring a rezoning.

The proposal consists predominantly of attached townhome units with limited variation in housing type. While the applicant has incorporated a small number of live-work units, the development does not provide the range of housing options or mix of uses envisioned within the Regional Center (RC) Character Area. Additionally, the site's most significant amenity, the future Northfork Peachtree Creek Greenway is treated largely as an edge condition rather than an organizing feature of the development. Buildings are primarily oriented towards internal streets, missing an opportunity to create active frontages and stronger pedestrian connections along the future greenway corridor as envisioned.

The site is constrained by a stream buffer along the western boundary and a required thirty-foot (30) buffer adjacent to the R-100 properties to the east. The proposal generally satisfies the dimensional requirements of the MR-1 district (Section 2.11.2-Dimensional Requirements), the updated site plan (Conceptual Site Plan dated 3/30/2026) on 5/07/26 is largely the same from March 2026. While some of the concerns were addressed (hammerhead entrance and the density) the overall design continues to function as a self-contained residential enclave rather than an integrated extension of the growing street and pedestrian network. Although several stub streets are provided, they appear largely intended to preserve development flexibility rather than improve connectivity.

The purpose of MR-1 zoning districts is to provide connectivity of streets and communities, a mix of housing types, intensity, and scale with the design of surrounding development. An alternative site plan design appears necessary to align the proposal with MR-1 standards, RC (Regional Center) character area, and Section 27-7.4.5 (Rezone criteria). Therefore, Staff recommends a "***Denial***".

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

Zoning Comments March 2026

N1. Z-26-1247920 (2026-0138) 1437 & 1453 S. Indian Creek Drive:

South Indian Creek is classified as a “Collector” road. All interior streets are to be private, designed to local street standards. Verify there is enough parking provided interior to the site for residents and guests. South Indian Creek Road is classified as a collector road. Land Development permit is required. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limit. All poles and other obstructions must be relocated out of the multi-use path.

N2. Z-26-1247923 (2026-0139) 3003 Chamblee-Tucker Road; 2936 Mercer University Drive:

All interior streets must be private. Mercer University Drive is classified as a “Collector” road. Land Development permit is required. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). The requirements are for the entire frontage unless a variance is sought. All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path. The access entrance requires reworking due to possible driver confusion and impact to Mercer University Drive. Eliminate the acceleration lane along Mercer University Drive. Chamblee-Tucker Road is classified as a “Minor Arterial” road. If a land development permit is required, please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot multi-use path. Requires pedestrian scale streetlights.

N3/N4/N5. Z-26-1247929 (2026-0140); SLUP-26-1247927 (026-0141); SLUP-26-1247928 (2026-0142) 3820 & 3828 North Decatur Road:

Rockbridge Road is classified as a “Minor Arterial” road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions (hydrant) must be relocated out of the multi-use path. Site engineer to determine if guardrail along the property is still required

N6. Z-26-1247933 (2026-0143) 2674, 2682 & 2690 Gresham Road:

All interior streets are to be private, designed to local street standards. Gresham Road is classified as a “Collector” road. Land Development permit is required. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path.

N7/N8. Z-26-1247935 (2026-0144); SLUP-26-1247934 (2026-0145) 2111 Poplar Falls Road:

The existing road infrastructure approaching this development is not sufficient to support the implementation of the development. Poplar Falls Road is classified as a “Local” road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 6-foot landscape strip and a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path.

N9. SLUP-26-1247921 (2026-0146) 1313 & 1303 Lithonia-Industrial Boulevard:

Lithonia-Industrial Boulevard is classified as a “Minor Arterial” road. Not enough information to properly review. Access points were set based on the Lithonia Industrial Blvd Road Plans. Applicant does not show interior routes on plans. Streetlights will be required on Lithonia-Industrial Boulevard.

N10. Z-26-1247922 (2026-0147) 6136 Shadow Rock Lane:

Shadow Rock Lane is classified as a “Local” road. The existing road infrastructure approaching this development is not sufficient to support the implementation of the development. The entire right of way width of the corridor is 20 feet wide with a +/- 8-foot road/driveway. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov).

N11. SLUP-26-1247926 (2026-0148) 4031 Rainbow Drive:

Rainbow Drive is classified as a “Minor Arterial” road. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements based on speed limits. All poles and other obstructions must be relocated out of the multi-use path.

N12. SLUP-26-1247930 (2026-0149) 1890 Wee Kirk Road:

Wee Kirk is classified as a “Local” road. No comments

N13/N14. LP-26-1247932 (2026-0150); Z-26-1247931 (2026-0151) 1680, 1690, & 1700 Henrico Road:

Henrico Road is classified as a “Collector” road. Please refer to the zoning and land development requirements of Tier 5 of the Bouldercrest Overlay District, Tier 4A within the Soapstone Historic district for development requirements. Concerned about the encroachment of residential into the industrial area and the conflict (truck traffic/noise) that may develop. The two properties on either side of this development are active industrial properties. While overlay infrastructure standards apply. Where silent the Zoning and Land Development Codes are enforced, in respective order. Site plan needs work. At a minimum, the requirements are as follows: Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Prefer internal streets to be private. If public, the internal streets require a right of way dedication of 55 feet (total) OR such that all public infrastructure is within right of way, whichever greater. Requires 24 feet of pavement with curb and gutter. Requires 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). Internal roundabout must be one-lane, one direction. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR **(PREFERRED)** a 10-foot landscape strip with a 10-foot multi-use path. At least 5 feet of the landscape strip must lie between the back of curb and the multi-use path or sidewalk. All intersections must meet AASHTO sight distance requirements based on speed limits. Concerned about entrance location based on horizontal and vertical curves along the site. All poles and other obstructions must be relocated out of the multi-use path.



Thursday, January 29, 2026

To: Mr. John Reid, Senior Planner
From: Ryan Cira, Director, Division of Environmental Health
Cc: Alan Gaines, Deputy Director, Division of Environmental Health
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.

1/29/2026

N1-2026-0138

Z-26-1247920

1437 & 1453 South Indian Creek Drive, Stone Mountain, Ga 30083

- See general comments

N2-2026-0139

Z-26-1247923

3003 Chamblee-Tucker Road; 2936 Mercer University Drive, Chamblee, Ga 30341

- See general comments

N3-2026-0140

Z-26-1247929

3820 & 3828 North Decatur Road, Decatur, GA 30032

- See general comments.

N4-2026-0141

SLUP-26-1247927

3820 & 3828 North Decatur Road, Decatur, GA 30032

- SLUP. See general comments.

N5-2026-0142

SLUP-26-1247928

3820 & 3828 North Decatur Road, Decatur, GA 30032

- SLUP. See general comments.

N6-2026-0143

Z-26-1247933

2674, 2682, 2690 Gresham Road, Atlanta, Ga 30316

- See general comments.

Development Review Comments

Submitted to: DeKalb County **Case #:** Z-26-1247923
Parcel #: 18 283 04 001; 18 266 05 014

Name of Development: Urbanvue Apartments, LLC c/o Battle law, PC
Location: 3003 Chamblee-Tucker Road Chamblee, GA 30341

Description: Proposed development 88 multi-family Townhomes.

Impact of Development: When fully constructed, this development would be expected to generate 34 students: 20 at Henderson Mill Elementary, 3 at Henderson Middle School, 9 at Lakeside High School, 2 at other DCSD schools, and 0 at private school. Enrollment at the elementary and high school is already above capacity. However, the new high school in Doraville, and subsequent redistricting, is expected to relieve the overcrowding.

Current Condition of Schools	Henderson Mill Elementary	Henderson Middle School	Lakeside High School	Other DCSD Schools	Private Schools	Total
Capacity	504	1,590	1,705			
Portables	7	0	11			
Enrollment (Oct 2024)	539	1,344	2,224			
Seats Available	-35	246	-519			
Utilization (%)	106.9%	84.5%	130.4%			
New students from development	20	3	9	2	0	34

New Enrollment	559	1,347	2,233
New Seats Available	-55	243	-528
New Utilization	110.9%	84.7%	131.0%

Calculation Details

Inputs

Unit Type	TH	Proposed Units	88
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		Attend Home School	Attend other DCSD School	Private School	Total
Yield Rates (students per unit based on comparable developments)	Elementary	0.2222	0.0139	0.0000	0.2361
	Middle	0.0347	0.0000	0.0000	0.0347
	High	0.0972	0.0139	0.0000	0.1111
	Total	0.3541	0.0278	0.0000	0.3819
Units x Yield Rates	Elementary	19.55	1.22	0.00	20.77
	Middle	3.05	0.00	0.00	3.05
	High	8.55	1.22	0.00	9.77
	Total	31.15	2.44	0.00	33.59
New Students from Development (rounded result)	Elementary	20	1	0	21
	Middle	3	0	0	3
	High	9	1	0	10
	Total	32	2	0	34

LAND DEVELOPMENT ANALYSIS

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

Case # and Address/Parcel: Z-26-1247923 (2026-0139) 3003 Chamblee-TuckerRd; 2936 MercerUnivDr (18-283-04-001; 18-266-05-014)

- **Transportation/Access/Row**

- **Stormwater Management**

Underground detention would work best for this property. it can't be in the stream buffer or flood plain

- **Flood Hazard Area/Wetlands**

There is both flood hazard and state water. 25 and 75 foot buffer will apply. There is no building allowed in the floodway

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – ROADS & DRAINAGE - ZONING COMMENTS FORM

Case No.: Z-26-1247923 (2026-0139) Parcel ID#: 18 283 04 001; 18 266 05 014

Address: 3003 Chamblee-Tucker Road; 2936 Mercer University Dr. Chamblee 30341

Drainage Basin: North Fork Peachtree Creek

Upstream Drainage Area: N/A

Percentage of Property in 100-Year Floodplain: 20.3%

Impact on property (flood, erosion, sedimentation) under existing zoning: No reported occurrence of flood erosion and sedimentation under existing zoning.

Required detention facility(s): Yes.

COMMENTS: _____

which must be preserved and protected under the county's flood damage

prevention ordinance.

Signature: Akin Akinsola

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – TRAFFIC ENGINEERING - ZONING COMMENTS FORM

Case No.: Z-26-1247923 (2026-0139) Parcel ID#: 18 283 04 001; 18 266 05 014

Address: 3003 Chamblee-Tucker Road; 2936 Mercer University Dr. Chamblee 30341

Adjacent Roadway(s):

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: _____
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 (latest edition 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: Check Location & NO traffic concern were identified.

Signature: R Landell

DEPARTMENT OF PLANNING & SUSTAINABILITY

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

PUBLIC WORKS – WATER & SEWER - ZONING COMMENTS FORM

Case No.: Z-26-1247923 (2026-0139) Parcel ID#: 18 283 04 001; 18 266 05 014

Address: 3003 Chamblee-Tucker Road; 2936 Mercer University Dr., Chamblee 30341

WATER:

Size of existing water main: 12" DIP adequate inadequate

Distance of property to nearest main: 805' Size of line required, if inadequate: _____

SEWER:

Outfall Servicing Project: North Folk Peachtree Creek

Is sewer adjacent to property? Yes No If no, distance to nearest line: _____

Water Treatment Facility: Atlanta Fulton Adequate? Yes No

Sewage Capacity: 40 (MGPD) Current Flow: 36 (MGPD)

COMMENTS: Sewer cap may be required.

Signature: Yola Lewis

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Planning & Sustainability Director
Juliana A. Njoku

REZONING APPLICATION CHECKLIST

Submit application through our online portal www.epermits.dekalbcountyga.gov

Email one (1) copy of your application as one (1) PDF file to plansustain@dekalbcountyga.gov and copy lahill@dekalbcountyga.gov

- 1. Schedule a mandatory, virtual **Pre-Application Conference** with Planning & Sustainability staff by appointment. Please email lahill@dekalbcountyga.gov 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** through portal www.epermits.dekalbcountyga.gov and then email Staff.
Please assemble materials in the following order:
 - A. Application form** with name and address of applicant and owner, and subject property address.
 - B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting.
 - C. 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. 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.
 - E. 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.
 - F. Campaign disclosure statement** (required by State law).
 - G. 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. **Written Legal Description** of meters and bounds of the subject property (can be printed on site plan or survey).
 - H. Site Plan** 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
 - e. 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.
 - I. Building Form Information.** Elevation (line drawing or rendering) or details of proposed materials in compliance with Article 5 of the Zoning Ordinance. If new buildings and/or structures are being developed or renovations are being completed, please provide proposed elevations.
 - J. Completed, signed Pre-Application Form** (Provided after pre-application meeting).

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Amended REZONING APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

APPLICANT/OWNER: Urbanvue Apartments, LLC c/o Battle Law PC

Subject Property Address: 3003 Chamblee Tucker Rd & 2936 Mercer University Drive

City: Atlanta State: GA Zip: 30341

Parcel ID Number(s): 18 283 04 001 & 18 266 05 014

Acreage: 5.66 ~~5.39~~ Commission District(s): 1 Super District: 7

Existing Zoning District(s): O-I Proposed Zoning District(s): MR-1

Existing Land Use Designation(s): RC Proposed Land Use Designation(s): (if applicable)

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Amendment

Owner Agent

Signature: [Signature] Date: 5.1.2026

NOTE: PLEASE BE MINDFUL THAT THE APPLICATION AND ALL OF ITS CONTENTS IS A PUBLIC RECORD ONCE SUBMITTED AND ACCEPTED FOR A ZONING CYCLE.

REZONE APPLICATION FEES:

Table with 2 columns: Zoning District and Fee. Rows include RE, RLG, R-100, R-85, R-75, R-60 MHP, RNC, RSM, MR-1, MR-2 (\$500.00) and HR-1, HR-2, HR-3 MU-1, MU-2, MU-3, MU-4, MU-5 O-I, OD, OIT, NS, C-1, C-2, M, M-2 (\$750.00).

DeKalb County does not require payment by wire transfer. Be aware of scammers and fraudulent emails.

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

Applicant Name: Urbanvue Apartments, LLC c/o Battle Law, PC

Applicant Email Address: cag@battlelawpc.com

Applicant Mailing Address: 3562 Habersham At Northlake, Bldg J, Suite 100, Tucker, GA 30084

Applicant Phone Number: 404-601-7616

Owner Name: Urbanvue Apartments, LLC (If more than one owner, attach list of owners.)

Owner Email Address: samirproperties@bellsouth.net

Owner Mailing Address: 9155 Woods Perry Xing, Duluth, GA 30097

Owner Phone Number: 770-842-7383

Subject Property Address: 3003 Chamblee Tucker Rd & 2936 Mercer University Dr, Atlanta, GA 30341

Parcel ID Number(s): 18 266 05 014 and 18 283 04 001

Acreage: 5 .66 Commission District(s): 1 Super District: 7

Existing Zoning District(s): O1 Proposed Zoning District(s): MR 1

Existing Land Use Designation(s): RC Proposed Land Use Designation(s): n/a (if applicable)

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner: [checkmark] Agent: [signature] Signature of Applicant:

Sid Tejpaul - 3003 Chamblee-Tucker Rd and 2936
Mercer University Dr

Zoning Meeting

A new project is proposed near you...

Please join Battle Law for a Community Meeting to discuss this project and what it means for the community. To register for the ZOOM please use the QR code below.

If you would like the information emailed to you, please send an email to projects@battlelawpc.com to request the information.

Zoom Meeting Info:

Meeting ID: 867 6480 2582

Password: 449015

<https://otago.zoom.us/join>



participants_86764802582_2025_12_05

Name (original name)	Email	Total duration (minutes)	Guest
Michele Battle	mlb@battlelawpc.com	16	No
Sid Tejpaul	samirproperties@bellsouth.net	15	Yes
sudhir tejpaul	samirproperties@bellsouth.net	2	Yes
Sanjay Vinjamaram	mailvsanjay@yahoo.com	11	Yes



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://battlelawpc.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click "Join". To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact

Jordan Battle at:

Phone: 404-601-7616 ext. 8

Fax: 404-745-0045

Email: jeb@battlelawpc.com

Follow-Up Community Meeting to
discuss 3003 Chamblee-Tucker Rd and
2936 Mercer University Dr. project
updates

**Project Title: 3003 Chamblee-Tucker Rd
and 2936 Mercer University Dr.**

When: March 25 , 2026

Time: 6:30 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://battlelawpc.zoom.us/join>

Meeting ID: 896 5984 4345

Password: 563081



Battle Law

3562 Habersham at Northlake, Bldg. J, Ste 100
Tucker, Georgia 30084

Zoom Instructions:

Go to <https://battlelawpc.zoom.us/join> and Enter the Meeting ID that you have been provided with in the appropriate field and click “Join”. To join by phone, please dial (646) 558-8656. If you are unable to attend or would like to learn more about the proposed project, please call our office at the number below.

We encourage you to come out and participate!

For More Information Contact

Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jeb@battlelawpc.com

Follow-Up Community Meeting to
discuss 3003 Chamblee-Tucker Rd and
2936 Mercer University Dr. project
updates

**Project Title: 3003 Chamblee-Tucker Rd
and 2936 Mercer University Dr.**

When: May 14, 2026

Time: 6:30 PM Eastern (US and Canada)

Register in advance for this meeting:

<https://battlelawpc.zoom.us/join>

Meeting ID: 817 7796 6450

Password: 162255



Battle Law

AMENDED AND RESTATED STATEMENT OF INTENT

and

Other Material Required by
DeKalb Zoning Ordinance
For
A Rezoning from O-I to MR-1
for a Townhome Community

of

Urbanvue Apartments, LLC
c/o Battle Law, P.C.

for

+/- 5.66 Acres of Land
Being 3003 Chamblee-Tucker Road and 2936 Mercer University Drive
Chamblee, Georgia and
Parcel Nos. 18 283 04 001 and 18 266 05 014

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



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I. LETTER OF INTENT

Urbanvue Apartments, LLC (the “Applicant”) is seeking to redevelop an existing vacant office building on +/- 5.66 acres of land being Tax Parcel Nos. 18 283 04 001 and 18 266 05 014, having frontage on 3003 Chamblee-Tucker Road and 2936 Mercer University Drive (the “Subject Property”), into a build to a 41 unit for sale townhome community. The Subject Property is currently zoned O-I with a land use designation of Regional Center. The Application is seeking to rezone the property from O-I to MR-1 with a density of 7.25 units per acre based on the site plan submitted with this Application.

This document serves as a statement of intent, analysis of the criteria under the DeKalb County zoning ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. DEKALB COUNTY REZONING CRITERIA

When considering rezoning applications, the DeKalb County Code of Ordinances states that the following criteria shall be considered:

1. *Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;*

The proposed rezoning is consistent with the Subject Property’s Land Use Designation under the County’s Comprehensive Plan. MR-1 is an allowed zoning district, and the proposed density at 7.25 units per acre is less than 75 units per acre or more density allowed under the Regional Center land use designation. While the density for the proposed project is at the lower end of the scale, this is appropriate based upon the fact that the Subject Property is adjacent to single family homes zoned R-100 on the North side of the Subject Property. This density and product type provides a suitable transition zone between the core of the activity center and the adjacent neighborhood which is outside of the activity center.

2. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;*

As stated above, the Subject Property is located along the edge of the Regional Center activity center, and abuts R100 property within the Suburban land use district. The proposed rezoning will support a use that is suitable adjacent to the abutting single-family community. With respect to the adjacent commercial uses, the proposed project will provide a live work option for those working in the adjacent and nearby commercial/office spaces, which supports the continued growth and viability of the Embury Hills community with more homeowners who will be connected to the community long term.



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

Due to the residual impact of the COVID crisis of 2020-2021, the office market in DeKalb County has experienced a significant downturn in the viability of office builds such as the one on the Subject Property. The building has been vacant for years, with few if any prospects for full occupancy of the building. As a result, the Subject Property has marginal use as an office building. This is supported by the fact that a few years ago the DeKalb County Board of Commissions approved a Special Land Use Permit for the Subject Property to allow for the conversion of the building from office space to 47 residential dwelling units. Unfortunately, due to the conversion costs the Applicant elected not to move forward with the conversion of the building, but is instead looking to demolish the existing improvements and redevelop the property for 41 for sale units, which is more in alignment with providing a variety of residential options in an area that has a significant of established rental and single family detached units already in the area.

3. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties;*

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The adjacent offices North and South of the Subject Property will benefit from having a live work option immediately adjacent to their sites. As for the single-family community east of the Subject Property, a buffer will be maintained along the boundary line, and the subdivision has direct access to Chamblee -Tucker Road. The Subject Property only has direct access to Mercer University Drive. Therefore, there should be minimal traffic impact on the adjacent residential community.

4. *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 Subject Property is located within a character area that is growing. Mercer University has been investing in improving its residential options for its graduate student population. Additionally, the Regal Theater off the I-85 Access Road is being redeveloped for a traditional apartment community. The proposed townhome community will provide for more home ownership for young professionals with easy access to the interstate and surrounding area. Additionally, due to the size and shape of the Subject Property, along with the stream buffer that crosses through the front yard, the buildable envelope of the Subject Property is significantly reduced. Any significant increase in density and change in product type would require more vertical development which is not supported by the adjacent residential neighborhood.



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5. *Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;*

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources, and is not located within a historic district.

6. *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; and*

The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed use will have little to no effect on the aforementioned resources.

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

The zoning proposal will not impact the environment or surrounding natural resources.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application to rezone the Subject Property from O-I to MR-1 for 41 townhome units be approved. The Applicant welcomes any questions and feedback from the planning staff.



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IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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 Special Land Use Permit 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.



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A refusal to rezone the Subject Property 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 rezone the Subject Property 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 land use designation and/or 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 land use designation and/or 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.

Michele L. Battle, Esq.
Attorney for the Applicant

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: 12/11/2025

TO WHOM IT MAY CONCERN:

I/WE: Urbanvue Apartments, LLC
Name of Owner(s)

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

Battle Law, P.C.
Name of Agent or Representative

to file an application on my/our behalf.

wpatz
Notary Public

[Signature]
Owner



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.

W. Patel
Notary

[Signature]
Signature of Applicant /Date

Check one: Owner Agent _____

04/01/2026
Expiration Date/ Seal



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



DeKalb County
GEORGIA

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 XX No _____ *

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

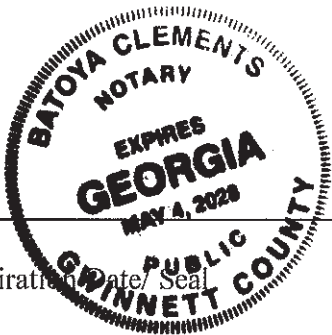
1. The name and official position of the local government official to whom the campaign contribution was made.
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The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent XX



Expiration Date/Seal

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

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(s) Name: Michele Battle Phone: 404-601-7616

Email: cag@battlelawpc.com Commission District(s): 1 & 7

Property Address: 2936 Mercer University Dr. & 3003 Chamblee-Tucker Rd, Chamblee 30341

Tax Parcel ID: 18 266 05 014 & 18 283 04 012 Acreage: 5.12

Existing Use: vacant office Proposed Use: Townhome development

Supplemental Regs: No Overlay District: No

Rezoning: Yes No Existing Zoning: O-I Proposed Zoning: MR-2

DRI: no Square Footage/Number of Units: 88

Rezoning Request: Rezoning from O-I to MR-1 for 41 multi-family townhome units.

Please not any conditions with the subject site are removed upon a rezone. Please only submit
a rezone application.

Land Use Plan Amendment: Yes No Existing Land Use: RC

Proposed Land Use: _____ Consistent Inconsistent _____

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

Special Land Use Request(s): not at this time.

Major Modification: Yes No Existing Zoning Conditions: SLUP-23-1246545

Major Modification Request: Conditions removed upon rezone *****

Condition(s) to be modified: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: X _____ Calendar Dates: CC: X _____

PC: X _____ BOC: X _____

Letter of Intent: X _____ Impact Analysis: X _____ Owner Authorization(s): X _____ Campaign Disclosure: X _____

Public Notice, Signs: X _____ Tree Survey, Conservation (if applicable): N/A _____

Submittal Format:

ONE (1) COMBINED, PDF DOCUMENT UPLOAD via OUR ONLINE PORTAL.

Site Plan Checklist, if applicable:

- * Density
- * Density Bonuses
- * Mix of Uses
- * Open Space
- * Enhanced Open Space
- * Pedestrian Plan
- * Lot Size
- * Setbacks: front, sides, side corner, rear
- * Frontage
- * Street Width
- * Landscape Strips
- * Parking - Auto
- * Parking – Bicycle
- * Screening
- * Perimeter Landscapes
- * Bldg Materials: Roof, Fenestration, Façade Design
- * Sidewalks
- * Fencing/Walls
- * Building Height
- * Building Separation
- * Building Orientation
- * Streetscapes
- * Garages

Possible Variances: The site plan shared with Staff is in conceptual phase. _____

Comments: Applicant has revised original SLUP application (redevelopment of an office building with townhome units). The applicant is requesting to rezone to MR-1 for a townhome development. _____

The Applicant has shared they are considering inter=parcel access and potentially a parking agreement. _____

The subject site is located in a RC (Regional Center) permitting up to 24 u/acre based on _____

Section 2.11. 1. The site plan is required to include dimensional requirements from 2.1 1.1, transitional buffer (section 5.4.5), parking (6.1.3), and streetscape and landscape (5.4.3). _____

The site plan shared during the pre-app meeting will not suffice. ***** _____

Amenity offerings for the proposed development are encouraged. Additionally, the Applicant should consider access to the Peachtree Creek Greenway (Northfork Trail) as part of the connectivity and pedestrian oriented development goals within a RC. _____

Planner: Andrea Folgherait, Sr. Planner _____

Date: December 9, 2025 _____

PRE-APP FORM ADDITIONAL COMMENT PAGE, IF NEEDED

APPLICANT: Michele Battle

ADDRESS/PARCEL: 2936 Mercer University&3003 Chamblee-Tucker Rd / 18 266 05 014 & 18 283 04 012

COMMENTS: _____

PLANNER: Andrea Folgherait, Sr. Planner DATE: Dec. 9, 2025

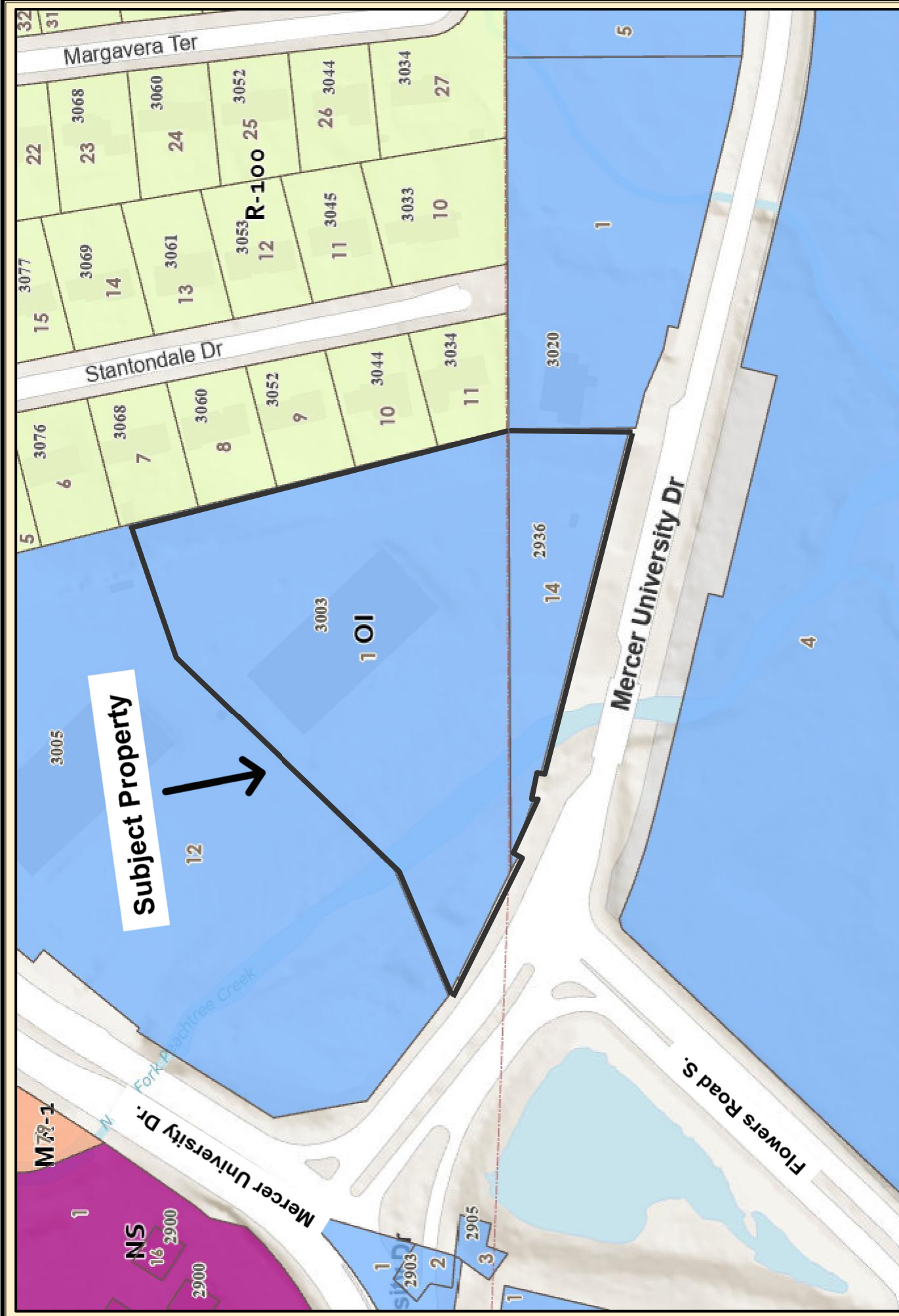
FILING FEES

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

Rezoning:	FEE:
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-I, 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. An application that is withdrawn and later re-filed will be treated as a new case and will require a new fee.



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DeKalb County Parcel Map



Date Printed: 1/14/2026



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DeKalb County Parcel Map



Date Printed: 1/14/2026