

Planning Commission Hearing Date: March 3, 2026
Board of Commissioners Hearing Date: March 26, 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 District: 1 Super District: 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-2 (Medium Density Residential-2) 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:	5.44	
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: One Cycle Deferral.

The applicant, Urbanvue Apartments, LLC. c/o Battle Law, is requesting a rezone from O-I (Office-Institutional) zoning district to MR-2 (Medium Density Residential-2) zoning district to develop an eighty-two (82) unit townhome community (15 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.

Based on the current layout, Staff has discussed concerns with the applicant that the proposed density may exceed what the site can reasonably accommodate. The site constraints include a stream buffer on the west boundary line of the property, and a fifty (50) foot buffer along the eastern boundary line of the adjacent properties (R-100). A variance from the Zoning Board of Appeals (ZBA) will be required to decrease the buffer to thirty (30) feet, as shown on the site plan (*Conceptual Site Plan A100*). The purpose of MR-2 zoning districts is to provide connectivity of streets and communities, increase the ease of movement in and around new developments, and allow appropriate transitions between existing and new developments. The proposal mostly satisfies the minimum dimensional requirements of MR-2. However, an alternative site plan design appears necessary to align the proposal with MR-2 standards and the RC (Regional Center) character area. The following improvements have been discussed with the applicant:

- Inter-parcel connection with the vacant FEMA parking lot to the north (offers additional access point)
- Dead-end road ("hammerhead") conditions at the site entrance.

- Unit re-configuration; block creation, pocket parks, and rear loading garages.
- Opportunity to remove two (2) dog parks and continue an alley along the western property line (outside the stream buffer) to eliminate the “hammerhead” road configuration at the entrance via a looped road or inter-parcel connection.

Furthermore, other interdepartmental comments (enclosed) to be considered, particularly the following:

- Transportation Division (Labeled as “Zoning Comments”)
- Land Development Division
- Roads and Drainage Division
- DeKalb County Schools

While RC Character Areas encourage high densities (up to 120 units per acre), the MR-2 zoning district is an a permitted zoning district in a RC and the proposed lower density may be appropriate at this “edge” location. However, a further decrease in unit count may be necessary for a more appropriate design to support the pedestrian accessibility goals of the RC Character Area and Section 27-7.4.5 (*Rezone criteria*). Therefore, Staff recommends ***“One Full-Cycle Deferral”*** to the May 2026 zoning agenda.

***The Applicant has since submitted an updated site plan on 2/11/2026. Staff will perform a comprehensive review after Planning Commission and update the report as necessary prior to the Board of Commissioners Meeting on 3/26/2026. ***

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 Week 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: Both parcels in this rezoning application have floodplain and regulated floodway
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

**Rezoning Application to Amend the Official Zoning Map
of DeKalb County, Georgia**Applicant Name: Urbanvue Apartments, LLC c/o Battle Law, PCApplicant Email Address: cag@battlelawpc.comApplicant Mailing Address: 3562 Habersham At Northlake, Bldg J, Suite 100, Tucker, GA 30084Applicant Phone Number: 404-601-7616Owner Name: Urbanvue Apartments, LLC

(If more than one owner, attach list of owners.)

Owner Email Address: [REDACTED]Owner Mailing Address: 9155 Waits Ferry Xing, Duluth, GA 30097Owner Phone Number: [REDACTED]Subject Property Address: 3003 Chamblee Tucker Rd & 2936 Mercer University Dr, Atlanta, GA 30341Parcel ID Number(s): 18 266 05 014 and 18 283 04 001Acreage: 5.44 Commission District(s): 1 Super District: 7Existing Zoning District(s): OI Proposed Zoning District(s): MR-2Existing 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: ✓ 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		16	No
Sid Tejpaul		15	Yes
sudhir tejpaul	S	2	Yes
Sanjay Vinjamaram		11	Yes



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb Zoning Ordinance
For
A Rezoning from O-I to MR-2
for a Build to Rent Townhome Community

of

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

for

+/- 5.39 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.
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(404) 745-0045 Facsimile
mlb@battlelawpc.com



Battle Law

I. LETTER OF INTENT

Urbanvue Apartments, LLC (the “Applicant”) is seeking to redevelop an existing vacant office building on +/- 5.39 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 rent townhome apartment complex with 82 units. 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-2 with a density of 15 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-2 is an allowed zoning district, and the proposed density at 15 units per acre is less than 75 units per acre or more density allowed under the Regional Center land use designation.

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

The Subject Property is located along the boundary of the Regional Center land use and residential property with a land use designation of Suburban. Therefore, the proposed use for rental townhome units provides a suitable transition into the lower intensity single-family detached units adjacent to the Subject Property.

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



Battle Law

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 82 rental units, which is more in alignment with the higher densities and variety of residential options supported by the Comprehensive Plan.

4. *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.

5. *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 built to rent townhome community will provide for an additional rental option that has not previously been developed in unincorporated DeKalb.

6. *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. The Subject Property is not in any historic site today.

7. *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.



Battle Law

8. *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 for a Special Land Use Permit for a residential building be approved. The Applicant welcomes any questions and feedback from the planning staff.

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



Battle Law

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.

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 Fulton 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



Battle Law

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 filing of this application?

Yes: _____ No: ☒ *

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

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

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

Notary

W. Patel

Signature of Applicant /Date

[Signature]

Check one: Owner ☒ Agent _____

Expiration Date/ Seal

04/01/2026

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





DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

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Notary

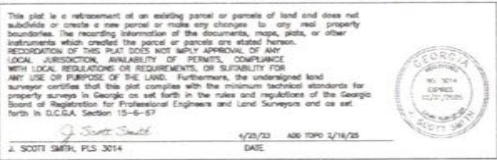
Signature of Applicant /Date

Check one: Owner _____ Agent XX



Expiration Date/Seal

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



General Notes:

SURVEY AS PER IRON PINS FOUND DEED BOOK #448, PAGE 2B, SURVEY FOR UNIVERSITY OFFICE PARK SEPTEMBER 28, 1987, PERO LAND SURVEYORS DATED SEPTEMBER 28, 2017 AND REVISED DECEMBER 2, 2017.

AND OTHER REFERENCES AS NOTED HEREON

THIS SURVEY DONE WITHOUT THE BENEFIT OF A TITLE COMMITMENT AND PROPERTY IS SUBJECT TO ALL MATTERS OF RECORD, EASEMENTS, ENCUMBRANCES, EASEMENT TAKEN FROM SURVEY BY EARTH PRO--SEE ABOVE NOTE.

SAD DESCRIBED PROPERTY IS LOCATED WITHIN A FLOOD ZONE DESIGNATION "X" AND "AE" BY THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, ON FLOOD INSURANCE RATE MAP, FIRM NUMBER 17030C0186, WITH A DATE OF CERTIFICATION OF 8/15/2019, FOR COMMUNITY NUMBER 130606, IN DEKALB COUNTY, STATE OF GEORGIA WHICH IS THE CURRENT FLOOD ZONE DESIGNATION FOR THE COMMUNITY IN WHICH SAD PROPERTY IS SITUATED.

NO EVIDENCE OF RECENT WORK ON SUBJECT PROPERTY

PROPERTY IS VACANT

PROPERTY HAS DIRECT ACCESS TO MERCER UNIVERSITY DRIVE, A PUBLIC RIGHT OF WAY.



PROJECT NUMBER
23155
DRAWING NUMBER
1



CHAMBLEE TUCKER RD
R/W VARIES

NOW OR FORMERLY
3000 JAVIER, INC., LLC
DEED BOOK 27008, PAGE 119
ZONED-D

NO ACCESS
TO THIS AREA

N 46°29'27"E 379.61'
8" PVC SPOKE

168.69'
N 75°15'06"E
8" IRON FENCE

FENCE
OVER
1.5'

UNIT #1

UNIT #2

UNIT #3

UNIT #4

UNIT #5

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UNIT #305





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-2 for 88 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: _____

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

Possible Variances: Variances may be sought. 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-2 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).

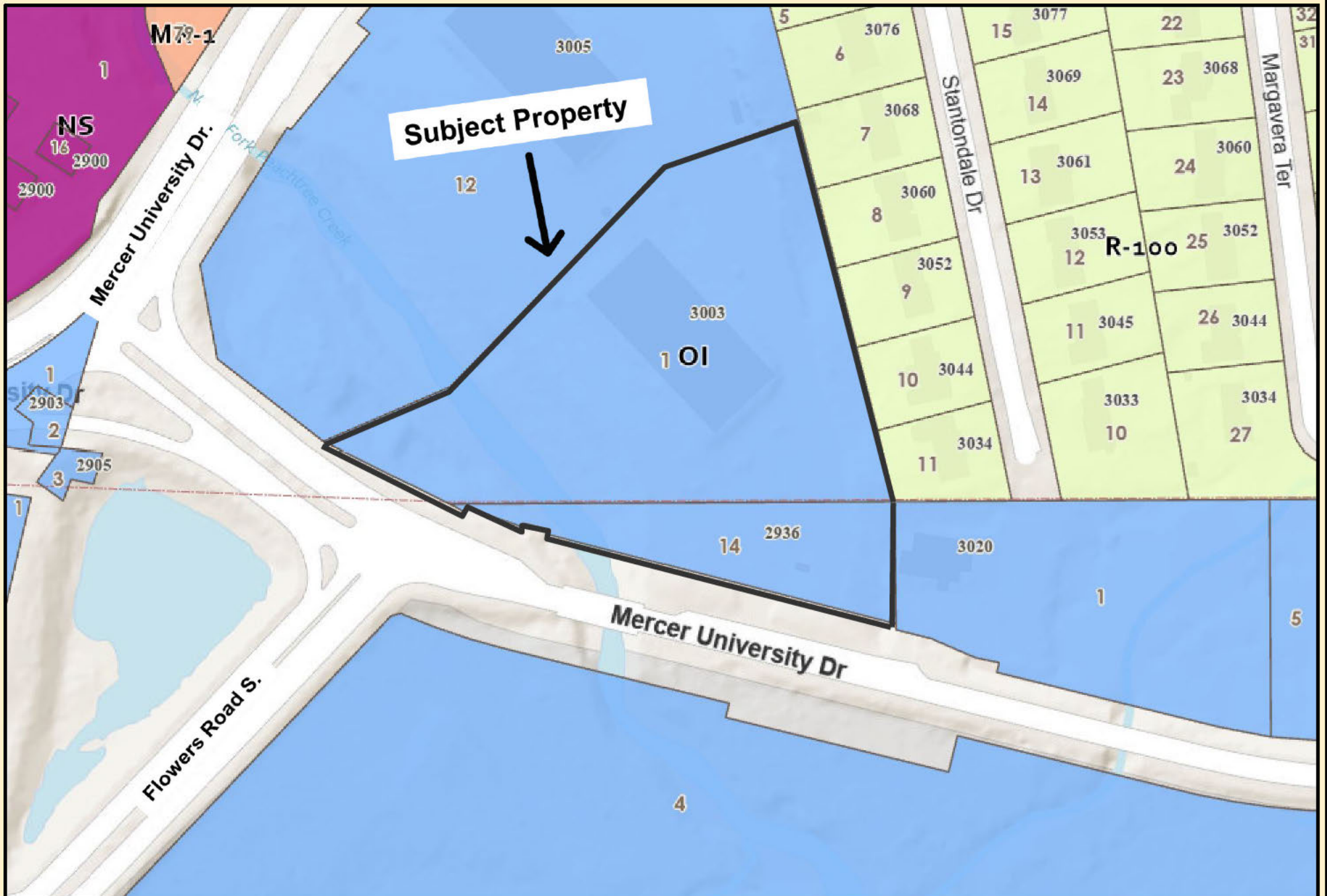
The site plan shared during the pre-app meeting will not suffice. *****

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.

Both parcels in this rezoning application have floodplain and regulated floodway.

Planner: Andrea Folgherait, Sr. Planner

Date: December 9, 2025



DeKalb County Parcel Map



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mi

Date Printed: 1/14/2026



DeKalb County GIS Disclaimer

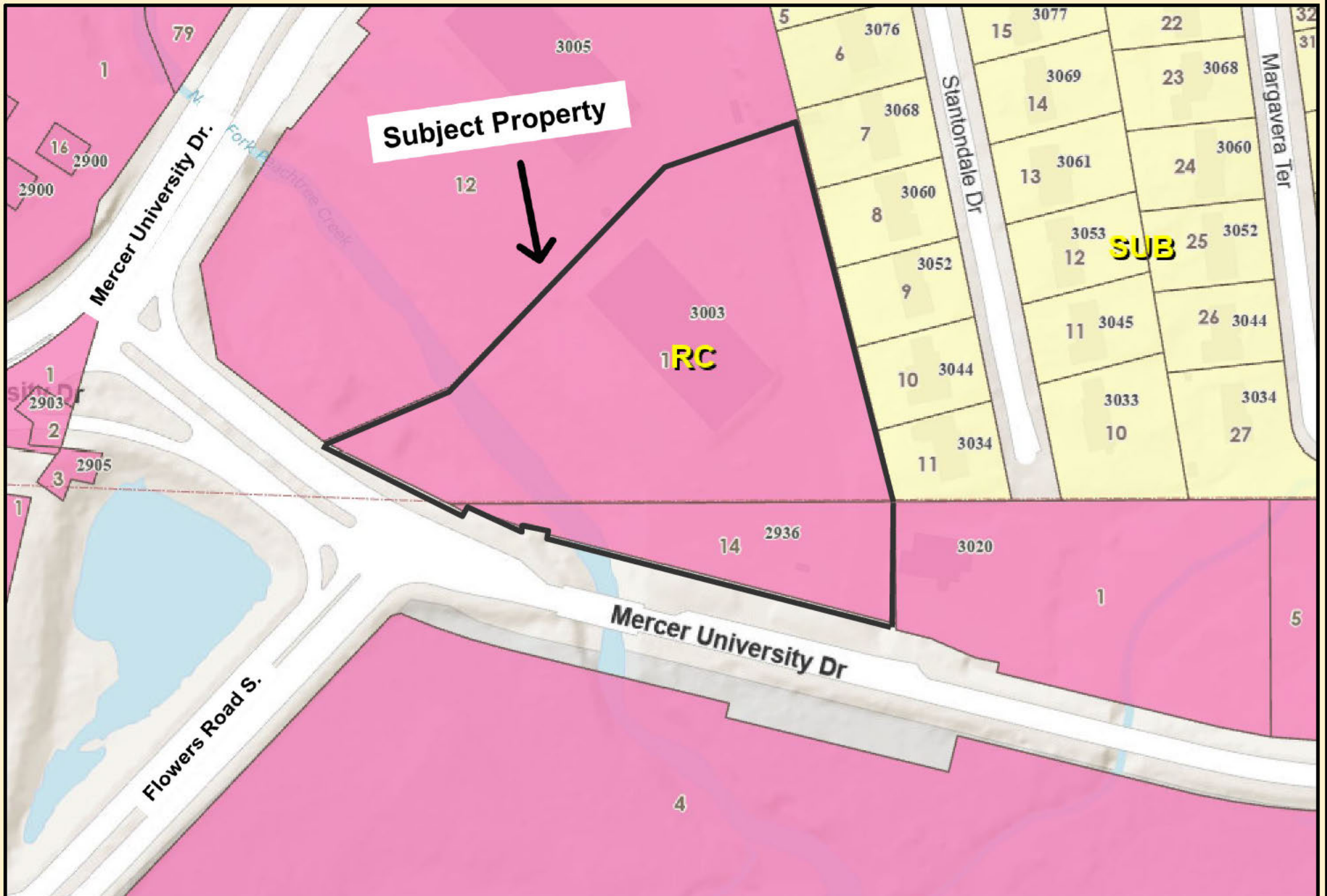
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Subject Property

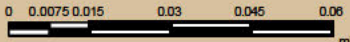


1 RC

SUB



DeKalb County Parcel Map



Date Printed: 1/14/2026



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DeKalb County Parcel Map



Date Printed: 1/14/2026



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