



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030  
(404) 371-2155 / www.dekalbcountyga.gov/planning**

Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: May 4, 2021, 5:30 P.M.  
Board of Commissioners Hearing Date: May 27, 2021, 5:30 P.M.**

**MAJOR MODIFICATION – CHANGE OF CONDITIONS  
STAFF ANALYSIS**

**Case No.:** CZ-21-1244668 **Agenda #:** N. 2

**Location/Address:** 3138 Snapfinger Road, Decatur, GA **Commission District:** 5 **Super District:** 7

**Parcel ID:** 15-096-02- 002, -009, -010, & 071, and 15-065-02-04

**Request:** **A major modification of the conditions pursuant to CZ-18-22045 to add a condition to allow a restaurant in a C-1 (Local Commercial) district.**

**Property Owner:** Raw Properties, Inc.

**Applicant/Agent:** Raw Properties, Inc., c/o Michele Battle

**Acreage:** 6.89 acres

**Existing Land Use:** Undeveloped, wooded

**Surrounding Properties:** To the north: a construction supply storage facility (zoned C-1); to the northeast and east: stream buffer and woods (City of Stonecrest); to the southeast and south: storage facilities (zoned C-1); to the southwest: Snapfinger Road; to the west: woods (zoned NS); to the northwest: Snapfinger Road.

**Comprehensive Plan:** SUB (Suburban) **Consistent**  **Inconsistent**

<b>Proposed Building Square Ft. (Total of Phases I and II):</b> 6,300 s.f.	<b>Existing Building Square Feet:</b> None (lot is undeveloped)
<b>Proposed Lot Coverage:</b> 55%	<b>Existing Lot Coverage:</b> None (lot is undeveloped)

**Zoning History:** In 2007, the Board of Commissioners rezoned the subject property from R-75 (Single-Family Residential) and C-1 (Local Commercial) to C-1 with conditions for a mixed office and retail development called the Mill at Snapfinger (CZ-07-3899). In addition to the subject property, the Mill at Snapfinger would have included adjoining properties to the west, north, and south, including the land between Snapfinger Road and the abandoned right-of-way of Old Snapfinger Road, for a total of 8.90 acres of property. In 2018, the Board of Commissioners approved CZ-18-22045, a proposal for development of office space for building contractors and building trades

such as electrical or plumbing businesses. Approval of CZ-18-22045 was conditioned on a site plan, a list of allowed uses, provision of security lighting, gating of the entrance after hours, and a prohibition of outdoor storage. These conditions remain in place and are the conditions that the applicant seeks to modify.

### **SITE ANALYSIS**

The subject property is a 6.89-acre tract comprised of five parcels located between the abandoned right-of way of Old Snapfinger Road and Snapfinger Creek, which also forms the western boundary of the City of Stonecrest. The southeastern portion of the property is in a floodplain. The property is undeveloped and wooded.

Vehicular access to the property is provided by a divided, four-lane major thoroughfare, and there are no local residential streets in the surrounding vicinity except to the north. The closest residential neighborhood is located approximately 700 feet to the north and fronts on Snapfinger Road; the closest residential neighborhood is located along the Riders Trail, Battle Green Way, and Sleepy Hollow Court cul-de-sacs, approximately 1,450 feet to the north. Residential lots have been platted closer to the subject property, along Beech Valley Lane, but they haven't been developed since the plat was recorded in 2017. In addition, the subject property is separated from the Beech Valley Lane lots by 3130 Snapfinger Road, an adjoining property that is developed with what appears to be a construction supply company with outside storage of gravel and sand on a 1.8-acre lot. The closest residential neighborhoods in other directions are located across stream buffers and major thoroughfares. The adjoining three-acre properties to the south are occupied by what appear to be three storage buildings, and signs on the property advertise a landscape company and warehouses that are "coming soon". Properties on the opposite side of Snapfinger Road from a point opposite Beech Valley Lane to the intersection of Flat Shoals Road, a distance of approximately 1,600 feet, are undeveloped and heavily wooded, and lack any intersecting streets that would provide access to the residential neighborhoods to the west. Snapfinger Creek is located on the east side of the subject property, forming a boundary that separates it from properties further to the east.

Snapfinger Road is a four-lane, divided major arterial. About 350 feet beyond the southern end of the subject property, Snapfinger Road intersects with what is a four-lane, divided major arterial to the west (Flat Shoals Parkway) and a local street to the east (Cleveland Road).

The intersections of Snapfinger, Flat Shoals, and Cleveland form a node of low-intensity commercial uses with C-1, OI, and NS zoning. Within this node, the land uses include the Creekview Plaza shopping center, two gas stations with convenience stores, a hair salon, a day care center, and an insurance office. Land uses beyond this node are single-family residential with R-100 zoning. Several contractors' offices are located on nearby or adjoining C-1 properties.

The project site is obscured from view from Snapfinger Road by the woods on the property located on the east side of Snapfinger Road that is located between Snapfinger Road and the private road that borders the west side of the subject property.

### **PROJECT ANALYSIS**

The applicant proposes to construct a Caribbean-style restaurant with a 4,500 square foot main building; an 1,800 square foot open air pavilion with a bar, kitchen, and seating area; and landscaped grounds with open-air gathering spaces suitable for special events such as parties and weddings. Vehicular access to the property and 100 parking spaces are located at the north end of the project site. The pavilion and the south half of the landscaped grounds are planned to be constructed as Phase II. The applicant has stated that the restaurant will not be a late-night establishment.

**Compliance with Development Standards:**

C-1 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. LOT AREA		20,000 s.f.	6.89 acres	Yes
MIN. LOT WIDTH		100 ft.	1,366.79 feet	Yes
MAX. LOT COVERAGE		80%	55%	Yes
MIN. OPEN SPACE		5,000 – 39,999 s.f. of gross floor area – 10%	45%	Yes
MIN. TRANSITIONAL BUFFER		None required.	N.A.	N.A.
PROPERTY PERIMETER LANDSCAPE STRIP		Min. 5 feet wide, planted as per 5.4.4(C)	10-foot wide landscape strip	Yes
MAX. BLDG. HEIGHT WITHOUT SLUP		2 stories and 35 feet	2 stories and 35 feet	Yes
BLDG. SETBACKS	FRONT	50 feet	100 feet	Yes
	INTERIOR SIDE	Min. 20 ft.	Approximately 145 feet	Yes
	REAR	Min. 30 foot setback superseded by 75 ft. stream buffer	Approximately 230 feet	Yes
MIN. STREETScape DIMENSIONS - PROPERTY FRONTAGE		(Arterials) 10-ft. landscape strip and 6-ft. sidewalk on each side, and street trees (check Activity Ctr.) 50 ft. on center or for every unit	No streetscaping is proposed.	A variance will be needed.
TRANS'L HEIGHT PLANE		Not required	N.A.	N.A.
PARKING		Min: one space/150 s.f. floor area but not less than 10 spaces = 30 spaces  Max: one space/75 s.f. floor area but not less than 10 spaces = 60 spaces	At 100 spaces, the proposed parking exceeds the allowed maximum	A variance will be needed.

## LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

**A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

The subject property is designated as a Suburban character area, which is visualized in the *Comprehensive Plan* as a primarily single-family or low-density residential area with small scale non-residential land uses that are intended to provide services and amenities for the closest residential neighborhoods in the character area. However, regardless of its land use designation, the subject property is not embedded in a character area that fits the Suburban description. Instead of conforming to the character of a residential suburb with occasional nodes of neighborhood-serving, small-scale businesses, the properties that surround the subject property appear to be transitioning from a type of semi-rural character that can be found in the least developed areas of the County. Thus, it is difficult to identify policies that apply to the proposed development. At the same time, the proposed development does not appear to directly or indirectly conflict with any of the policies of the Suburban character area.

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

The proposed restaurant would be suitable in view of the use and development of adjacent and nearby properties. The restaurant would need to comply with the *Noise Ordinance* of the *County Code*, so that it would not disturb residents that might eventually occupy the Beech Valley Lane subdivision. Additionally, Staff has proposed a condition to reduce the possibility that objectionable levels of noise and activity might be generated by the restaurant or by special events that might be allowed on the property by Special Administrative Permit.

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

Lack of development of the site for the contractors’ offices approved in 2018 indicates a lack of market interest in use of the site for this purpose.

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

As explained for Item B, above, the proposed restaurant would need to comply with the *Noise Ordinance* of the *County Code*, so that it would not disturb residents in the neighborhood that might eventually be developed approximately 200 feet to the north. In addition, Staff has proposed conditions to reduce the possibility that objectionable levels of noise and activity might be generated by the restaurant or by special events that might be allowed on the property by Special Administrative Permit. The proposed restaurant is not expected to negatively affect the use or usability of adjacent or nearby property in any other way. On the positive side, it might add value or a noticeable identity to the nearby area.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

The restaurant would be a unique venue that would provide an alternative dining/entertainment experience to that provided by a “chain” or “fast food” restaurant. Residents within the applicable commission districts have expressed desire for such destinations.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

**B. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

There has been no indication from commenting divisions, departments, and agencies that the proposed restaurant would burden the existing infrastructure.

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

The site plan indicates that the development would comply with the 75-foot stream buffer regulations. In addition, the site plan includes comparably large areas of open space, which would have less of an impact than a development with higher amounts of building square footage or impervious surfaces. The proposed restaurant would not conflict with development on adjoining properties.

**STAFF RECOMMENDATION:**

Instead of conforming to the character of a residential suburb with occasional nodes of neighborhood-serving, small-scale businesses, the properties that surround the subject property appear to be transitioning from a type of semi-rural character that can be found in the least developed areas of the County. Thus, it is difficult to identify policies that apply to the proposed development. At the same time, the proposed development does not appear to directly or indirectly conflict with any of the policies of the Suburban character area, and would be suitable in view of the use and development of adjacent and nearby properties. The restaurant would need to comply with the Noise Ordinance of the County Code, so that it would not disturb residents that might eventually occupy a residential neighborhood that has been platted for a location approximately 200 feet to the north. In addition, Staff has proposed a condition to reduce the possibility that objectionable levels of noise and activity might be generated by the restaurant or by special events that might be allowed on the property by Special Administrative Permit. The restaurant would be a unique venue that would provide an alternative dining/entertainment experience to that provided by a chain or “fast food” restaurant. There has been no indication from commenting divisions, departments, and agencies that the proposed restaurant would burden the existing infrastructure. Therefore, the Department of Planning and Sustainability recommends “Approval”, with the following conditions (Note: a “clean” version of the modified conditions follows this marked-up version):

1. The improvements shall be developed in substantial conformity with ~~the architectural site plan provided to the Planning Commission dated January 3, 2018~~ the site plan titled, [Green Acres, dated 1-8-2021, and prepared by Courtland Landscape Architecture and Construction, Inc.](#)
2. Both entrance points off Snapfinger Road shall be gated to prevent vehicular access to the Property after business hours.
3. Surveillance cameras shall be erected and maintained throughout the Property and footage from such cameras shall be made available to local law enforcement as requested in connection with the investigation of any criminal activity on or near the Property.
4. Office Hours shall be limited to Monday through Saturday 7:00am until 7:00pm.
5. Eighteen-wheeler truck delivery hours shall be limited to Monday and Friday between 10:00AM and 4:00PM, all other truck deliveries shall be limited to Monday through Friday between 10:00AM and 7:00PM. USPS, UPS, FEDEX and other similar courier services shall be exempt from this delivery hour condition.
6. The use of the Property shall be limited to the following:
  - a. Accounting Office
  - b. Building or Construction Office
  - c. Engineering or Architects Office
  - d. General Business Office
  - e. Insurance Office
  - f. Legal Office
  - g. Medical Office
  - h. Real Estate Office
  - i. Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage
  - j. Plumbing, HV/AC equipment establishments with no outdoor storage
  - k. Quick copy printing store
  - l. Health services clinic
  - m. Kidney dialysis center
  - n. Medical or dental laboratories
  - o. Home healthcare service
  - p. [Restaurant](#)
7. Signage on the Property shall be limited to a monument sign at the entrance point to the Property, with landscaping at the base of the sign.
8. The parking lot shall have adequate lighting in conformity with Chapter 27, Article 5, Section 5.6.1 Outdoor Lighting of the DeKalb County Zoning Ordinance.
9. There shall be no outdoor storage of materials and supplies.
10. [The restaurant shall comply with Article VII of the DeKalb County Code \(the "Noise Ordinance"\).](#)
11. [No outdoor speakers shall be permitted in the portion of the project site delineated as "Phase I" on the site plan cited in Condition No. 1.](#)

**Clean Version of Conditions**

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12. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

**ATTACHMENTS:**

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Survey (existing conditions)
5. Site Plan
6. Elevations, Renderings
7. Land Use Map
8. Zoning Map
9. Aerial View
10. Site Photos



## NEXT STEPS

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

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

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



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

## COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.: CZ-21-1244668

Parcel I.D. #: 15-096-02-002, 15-096-02-009, 15-096-02-010, 15-096-02-071, & 15-065-02-004 040 DT

Address: 3138 Snapfinger Road

Decatur, Georgia 3003A-3625

### WATER:

Size of existing water main: 6" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

### SEWER:

Outfall Servicing Project: Snapfinger Creek Basin

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

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

Sewage Capacity; \* (MGPD)

Current Flow: 21.77 (MGPD)

### COMMENTS:

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

Downstream, wet-weather sewer spill, DT  
Dec. 2020 map

Signature: Carlo [Signature]



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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.

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site.. Recommend Low Impact Development features/ Green Infrastructure be included in the proposed site design to protect as much as practicable the statewaters and special flood hazard areas.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area **was not** indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer **was not** reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

## Zoning Comments 4.19.21

N1. SR 8- GDOT review and permits required prior to DeKalb permitting. GDOT District 7: [juhatch@dot.ga/gov](mailto:juhatch@dot.ga/gov) Existing curb cut must be modified to come in at a 90 degree angle. Lawrenceville Hwy is a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Dedicate 50 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires bike lanes (or multiuse path), 6-foot sidewalks, streetlights, 10-foot landscape strip.

N2. Private road must be brought up to current standards either as a road or a driveway. We have lots of problem with truck parking in the immediate area (the public part).

N3. Jamieson Place and Market Street both local residential. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Dedicate 27.5 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires 6-foot sidewalks, streetlights, 6-foot landscape strip. Reviewer will be looking at driveway placement in relationship with the intersection during the development review process- please maximize during design.

N4. No comments

N5. . SR 155- GDOT review and permits required prior to DeKalb permitting. GDOT District 7: [juhatch@dot.ga/gov](mailto:juhatch@dot.ga/gov) Flat Shoals Parkway is a major arterial. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Please be aware of the minimum number of access points for the number of units this road would serve. Complete a traffic signal warrant study at the intersection of Flat Shoals Pkwy at Woodberry Pkwy to include analysis on the number of required exit lanes. Dedicate 50 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires bike lanes (or multiuse path), 6-foot sidewalks, streetlights, 10-foot landscape strip.

N6. South Indian Creek Road is classified as a collector street. Please see Chapter 5 of the Zoning Code and Section 14-190 of the Land Development Code for required infrastructure improvements. Dedicate 35 feet of right of way from centerline OR the amount to include all public infrastructure, whichever greater. Requires bike lanes (or multiuse path), 6-foot sidewalks, streetlights, 10-foot landscape strip.

04/19/2021

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

General Comments:

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

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

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

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

This office must approve any proposed Food Service Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks 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. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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

  
Board of Health

- N.1 Z-21-1244664 18-116-01-031  
2382 Lawrenceville Highway, Decatur, GA 30033  
Commission District: 4 Super District: 6  
Acreage: .81 acres  
- Please review general comments.
- N.2 CZ-21-1244668 15-096-02-002,009, -010, & 071, and 15-065-02-04  
3138 Snapfinger Road, Decatur GA  
Commission District: 5 Super District: 3  
Acreage: 6.89 acres  
- Please review general comments.
- N.3 Z-21-1244669 18-067-03-011  
3720 Jamieson Place, Clarkston, GA  
Commission District: 4 Super District: 6  
Acreage: .44 acres  
- Septic installed October 22,1999  
- 1000 gallons  
- Please review general comments.
- N.4 SLUP-19-1243861 15-041-01-152  
2902 Cedar Trace Drive, Ellenwood, GA 30294  
Commission District: 3 Super District: 6  
Acreage: .4 acres  
- Please see general comments.
- N.5 Z-21-1244671 15-061-03-001  
4743 Flat Shoals Pkwy, Decatur, GA 30034  
Commission District: 03 Super District: 07  
Acreage: 17.52 acres  
- Please review general comments.
- N.6 CZ-21-1244672 15-195-08-035  
Stone Mountain, GA 30038  
Acreage: 1.11 acres  
- Septic installed in surrounding area.  
- Please review general comments.

**DeKalb County Board of Health**

445 Winn Way – Box 987

Decatur, GA 30031

404.294.3700 • [www.dekalbhealth.net](http://www.dekalbhealth.net)



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

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[JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
**PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: CZ-21-1244668 Parcel I.D. #: 15-096-02-002

Address: 3138  
Swapping Rd  
Decatur, GA

Adjacent Roadway (s):

\_\_\_\_\_  
\_\_\_\_\_  
(classification) (classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Plans and Field Reviewed. Nothing found that would disrupt traffic flow.

Signature: [Handwritten Signature]



Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

**PRE-APPLICATION FORM**  
**REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE**  
**(Required prior to filing application: signed copy of this form must be submitted at filing)**

Applicant Name: Raw Properties Inc. c/o Michele Battle Phone: 404-745-0045 Email: mlb@battlelawpc.com

Property Address: 3138, 3158, 3186, 3224 Snapfinger Road, 3148 R Snapfinger Road Rear

15-096-02-009,071, 010, 002, and 15-096-01-040  
Tax Parcel ID: \_\_\_\_\_ Comm. District(s): 5 & 7 Acreage: 6.84

Existing Use: Undeveloped Proposed Use Restaurant Space

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

Rezoning: Yes \_\_\_\_\_ No X

Existing Zoning: C-1 Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No x

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes \_\_\_\_\_ No x Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s) \_\_\_\_\_

**Major Modification:**

Existing Case Number(s): C2-18-22045

Condition(s) to be modified:

Add a condition to allow a restaurant onsite

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION**

Pre-submittal Community Meeting:  x  Review Calendar Dates:  x  PC: 5/4/2021 BOC: 5/27/2021  
 Letter of Intent:  x  Impact Analysis:  x  Owner Authorization(s):  x  Campaign Disclosure:  x   
 Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
 Tree Survey, Conservation: \_\_\_\_\_ Land Disturbance Permit (LDP): \_\_\_\_\_ Sketch Plat: \_\_\_\_\_  
 Bldg. Permits: \_\_\_\_\_ Fire Inspection: \_\_\_\_\_ Business License: \_\_\_\_\_ State License: \_\_\_\_\_  
 Lighting Plan: \_\_\_\_\_ Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

**Review of Site Plan**

Density: \_\_\_\_\_ Density Bonuses: \_\_\_\_\_ Mix of Uses: \_\_\_\_\_ Open Space: 3.2 acres Enhanced  
 Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_ Lot Size:  
 \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips: \_\_\_\_\_ Buffers: \_\_\_\_\_  
 Parking Lot Landscaping: \_\_\_\_\_ Parking - Auto: 100 Parking - Bicycle: \_\_\_\_\_ Screening:  
 \_\_\_\_\_ Streetscapes: \_\_\_\_\_ Sidewalks: \_\_\_\_\_ Fencing/Walls: \_\_\_\_\_ Bldg. Height: \_\_\_\_\_ Bldg.  
 Orientation: \_\_\_\_\_ Bldg. Separation: \_\_\_\_\_ Bldg. Materials: \_\_\_\_\_ Roofs: \_\_\_\_\_ Fenestration: \_\_\_\_\_  
 Façade Design: \_\_\_\_\_ Garages: \_\_\_\_\_ Pedestrian Plan: \_\_\_\_\_ Perimeter Landscape Strip: \_\_\_\_\_  
 Possible Variances: \_\_\_\_\_

Comments:

Planner: Dustin Jackson and Matthew Williams Date January 20, 2021

Filing Fees

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Existing Conditional Zoning No.: C2-18-22045

APPLICANT NAME: Raw Properties Inc. c/o Michele Battle

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: mlb@battlelawpc.com

Mailing Address: One West Court Square, Suite 750 Decatur, GA 30030

OWNER NAME: Raw Properties, Inc. (If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-697-0973 Fax #: \_\_\_\_\_ E-mail: robert@wilserv.net

Mailing Address: 407 Mill House Road

SUBJECT PROPERTY ADDRESS OR LOCATION: 3138, 3158, 3186, 3224 Snapfinger Road, 3148 R Snapfinger Road Rear  
\_\_\_\_\_, DeKalb County, GA, 30034

District(s): 15 Land Lot(s): 65 & 96 Block(s): \_\_\_\_\_ Parcel(s): 15-096-02-009, 071, 010, 002,  
15-096-01-040

Acreage or Square Feet: 6.89 acres Commission District(s): 5 & 7 Existing Zoning: C-1

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

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?  
\_\_\_\_\_ Yes  No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner:  Agent: \_\_\_\_\_  
(Check One)

Signature of Applicant: By: 

Printed Name of Applicant: Raw Properties c/o Michele Battle Major Modification Application



DeKalb County

404.371.2155 (6)  
404.371.4556 (5)  
DeKalbCountyGa.gov

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: February 24 2021

TO WHOM IT MAY CONCERN:

(I, (WE), Raw Properties Inc. Name of Owner(s)

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

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

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

[Handwritten signature]

RAW PROPERTIES, INC.  
By: [Signature]  
Owner Printed Name: Robert Wilson, President



Notary Public \_\_\_\_\_  
Owner \_\_\_\_\_  
Notary \_\_\_\_\_  
Owner \_\_\_\_\_  
Notary Public \_\_\_\_\_  
Owner \_\_\_\_\_

Campaign Contribution Disclosure Statements  
Last Updated 2/24/2021

**CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT**

Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michèle L Battle or Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

<b>NAME OF GOV'T OFFICIAL</b>	<b>OFFICIAL POSITION</b>	<b>AMOUNT OF CONTRIBUTION</b>
Ted Terry	<b>Commissioner</b>	<b>\$500</b>
Mereda Davis Johnson	<b>Commissioner</b>	<b>\$250</b>

By:   
Printed Name: Michele L. Battle

NOTES:

1. A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD HAZARD AREA AS PER FIRM FLOOD INSURANCE RATE MAP DEKALB COUNTY, GA. COMMUNITY PANEL NO. 130068 0154 J AND 130066 0102 J, EFFECTIVE DATE: MAY 16, 2013. THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE REFERENCED MAP AND PUBLIC DATA. IF THE EXACT LOCATION OR ELEVATIONS OF THE FLOOD HAZARD BOUNDARIES ARE NECESSARY, A MORE DETAILED STUDY MAY BE NEEDED. THIS FIRM ASSUMES NO RESPONSIBILITY OR LIABILITY FOR THE ACCURACY OF THE REFERENCED MAP OR PUBLIC DATA.

EQUIPMENT USED FOR MEASUREMENT: TOPCON G.T.S. 303.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

AREA: TRACT - 1 = 5.83 ACRES
TRACT - 2 = 2.43 ACRES
TRACT - 3 = 2.06 ACRES
TRACT - 4 = 0.81 ACRES
TRACT - 5 = 0.89 ACRES
TRACT - 6 = 5.14 ACRES
TRACT - 7 = 1.47 ACRES
TRACT - 8 = 0.26 ACRES
TOTAL AREA: 18.89 ACRES

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 125,000 FEET AND AN ANGLE OF ERROR OF 00'00"00" PER ANGLE POINT, AND WAS ADJUSTED USING CRANDALL RULE. PARTY: MW, NJ

TRACT - 1: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 140,000 FEET.

TRACT - 2: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 214,449 FEET.

TRACT - 3: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 179,354 FEET.

TRACT - 4: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 115,159 FEET.

TRACT - 5: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 214,203 FEET.

TRACT - 6: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 329,413 FEET.

TRACT - 7: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 110,800 FEET.

TRACT - 8: THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 125,489 FEET.

THIS SURVEY WAS NOT PREPARED FROM THE AD OF A TITLE SEARCH AND IS SUBJECT TO ANY RESTRICTIONS OR EASEMENTS THAT MIGHT BE RECORDED.

REFERENCES: 1. DEED BOOK 2481, PAGE 380-392
2. DEED BOOK 20076, PAGE 186
3. DEED BOOK 25076, PAGE 187
4. DEED BOOK 25076, PAGE 188

RIGHT OF WAY DEEDS: 5. DEED BOOK 20886, PAGES 547-554
6. DEED BOOK 24484, PAGE 490
7. DEED BOOK 24182, PAGES 793-799
8. DEED BOOK 20886, PAGES 555-561
9. DEED BOOK 20886, PAGES 562-569

10. RIGHT OF WAY PLANS FOR SWANPINGER ROAD WIDENING GOVT PROJECT NUMBER STP-165-1 (060), P.L. NUMBER 721802, SHEETS 13-31 THRU 13-06, DATED 09/11/2009 AND LAST REVISED 03/01/2010.

EXISTING ZONING: (AS SHOWN) NEIGHBORHOOD SHOPPING DISTRICT - NSD. COMMERCIAL - C-1 (LOCAL COMMERCIAL DISTRICT) RESIDENTIAL - R-10 (SINGLE FAMILY RESIDENTIAL DISTRICT)

STATE WATERS BUFFER: AN UNDEVELOPED VEGETATIVE BUFFER MEETING COUNTY AND STATE REGULATIONS WILL BE PRESERVED ADJACENT TO ALL STREAMS AND LAKES. BUFFER IS TO BE MEASURED FROM THE TOP EDGE OF WATERS BANK.

WETLANDS STATEMENT: TO THE BEST OF MY KNOWLEDGE, THIS SITE DOES NOT CONTAIN WETLANDS OR FORMAL WETLANDS DELINEATION HAS PERFORMED ON THIS SITE.

THIS PLAT OR SURVEY IS FOR THE EXCLUDING USE OF CO-OWNERS PARTIES LISTED UNDER THE CAPTION 'SURVEY FOR'. ANY THIRD PARTY USE TO BE AT THEIR OWN RISK.

TRACT - 1

Table with 3 columns: LINE, BEARING, DISTANCE. Lists boundary lines for Tract 1.

TRACT - 2

Table with 5 columns: LINE, BEARING, DISTANCE, CHORD BEARING, DELTA ANGLE. Lists boundary lines for Tract 2.

TRACT - 3

Table with 5 columns: LINE, BEARING, DISTANCE, CHORD BEARING, DELTA ANGLE. Lists boundary lines for Tract 3.

TRACT - 4

Table with 5 columns: LINE, BEARING, DISTANCE, CHORD BEARING, DELTA ANGLE. Lists boundary lines for Tract 4.

TRACT - 5

Table with 5 columns: LINE, BEARING, DISTANCE, CHORD BEARING, DELTA ANGLE. Lists boundary lines for Tract 5.

TRACT - 6

Table with 5 columns: LINE, BEARING, DISTANCE, CHORD BEARING, DELTA ANGLE. Lists boundary lines for Tract 6.

TRACT - 7

Table with 5 columns: LINE, BEARING, DISTANCE, CHORD BEARING, DELTA ANGLE. Lists boundary lines for Tract 7.

TRACT - 8

Table with 5 columns: LINE, BEARING, DISTANCE, CHORD BEARING, DELTA ANGLE. Lists boundary lines for Tract 8.

TRACT - 1

Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 1.

TRACT - 2

Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 2.

TRACT - 3

Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 3.

TRACT - 4

Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 4.

TRACT - 5

Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 5.

TRACT - 6

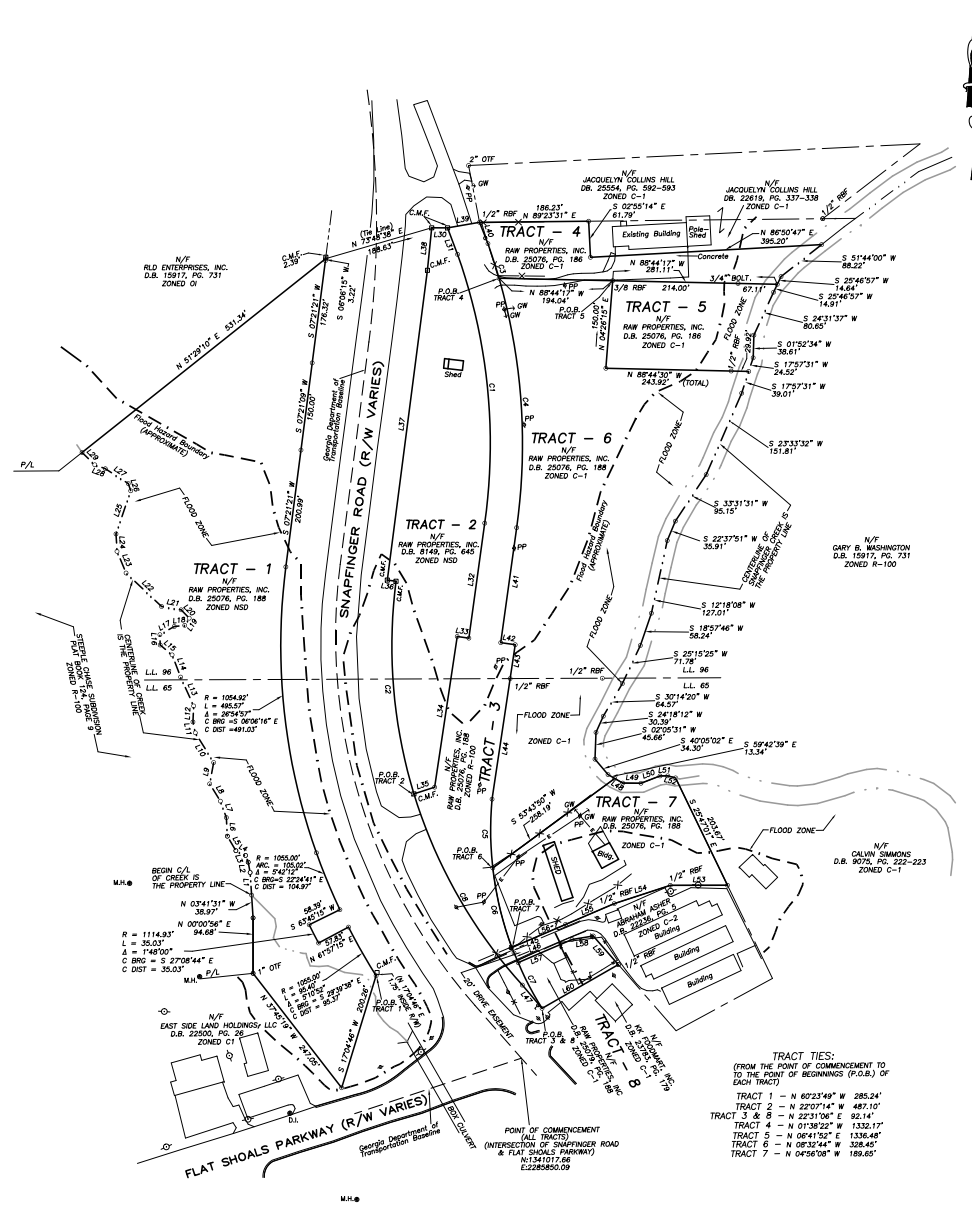
Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 6.

TRACT - 7

Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 7.

TRACT - 8

Table with 5 columns: CURVE, RADIUS, ARC LENGTH, CHORD LENGTH, CHORD BEARING, DELTA ANGLE. Lists curve data for Tract 8.



- LEGEND:
O.F.F. - IRON PIN FOUND
O.C.F. - CRIMED TOP PIN FOUND
R.B.F. - REBAR PIN FOUND
R.S.S. - REBAR PIN SET
O.T.F. - OPEN TOP FOUND
R.A.I. - WHOLE IRON FOUND
C.M.F. - CONCRETE FOUND
P.L. - PROPERTY LINE
R/W - RIGHT OF WAY
N/O - NOW OR FORMERLY
C.V. - CENTER LINE
L.L.L. - LAND LOT LINE
W.F.A. - FIRE HYDRANT
W.M. - WATER MAIN
W.M. - WATER METER
D.I.P. - DUCTILE IRON PIPE
P.C. - POLYVINYL CHLORIDE PIPE
P.P. - POWER POLE
S.P. - SERVICE POLE
T.P. - TELEPHONE POLE
P.T.P. - TELEPHONE RISER
E.L. - ELECTRICAL LINE
T. - TELEPHONE CABLE
G.M. - GAS MAIN
C.M.P. - CORRUGATED METAL PIPE
B.C.C.M.P. - BITUMINOUS COATED CORRUGATED PIPE
R.C.P. - REINFORCED CONCRETE PIPE
C.B. - CATCH BASIN
J.B. - JUNCTION BOX
S.D.M. - STORM DRAIN MANHOLE
D.H. - DROPP HOLE
E.P. - EDGE OF CURBMENT
B.C. - BACK OF PAVEMENT
C.W. - CUT BIDE
S.W.C. - SINGLE WING CATCH BASIN
D.W.C. - DOUBLE WING CATCH BASIN
C. - CONTIGUOUS

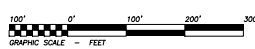
REVISIONS table with columns for DATE, REVISIONS, COMMENTS. Includes a seal for Georgia Registered Professional Land Surveyors, Travis M. Patton, No. 2647.

THIS DRAWING IS AN INSTRUMENT OF SERVICE AND NOT A CONTRACT. THE PROPERTY IS TO BE SURVEYED AND PLATTED IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE FUNDING OF THE SURVEYOR.

BOUNDARY SURVEY FOR: REGISTERED PROFESSIONAL LAND SURVEYORS. Includes contact information for Raw Properties, Inc. in Marietta, GA.

RAW PROPERTIES, INC. logo and address: 15TH LAND DISTRICT, LAND LOTS 85 AND 96 - DEKALB COUNTY, GEORGIA.

SHEET NUMBER 1 OF 1. FILE NAME. SCALE 1" = 100'. REVISED DATE: 01-13-2017. DATE: 01-13-2018. PROJECT NO. 17-282.



**LEGAL DESCRIPTION**  
**(Combined Tracts 3 thru 6)**

All that tract or parcel of land lying and being in Land Lots 65 and 96, 15<sup>th</sup> Land District, DeKalb County, Georgia and being more particularly described as follows:

Commencing at the centerline intersection of Snapfinger Road (varying width right of way) & Flat Shoals Parkway (varying width right of way), located at Georgia State Plane Coordinate Northing 1341017.66, Easting 2285850.09, THENCE North 22 degrees 31 minutes 06 seconds East, for a distance of 92.14 feet to a point on the Easterly right-of-way line of said Snapfinger Road and said point being the TRUE POINT OF BEGINNING.

Thence following said Snapfinger Road the following courses:

Thence North 40 degrees 18 minutes 32 seconds West for a distance of 52.00 feet to a point;

Thence along a curve to the right having a radius of 863.28 feet and an arc length of 378.31 feet, being subtended by a chord of North 29 degrees 32 minutes 51 seconds West for a distance of 375.29 feet to a concrete monument found;

Thence leaving said Snapfinger Road proceed the following courses:

Thence North 71 degrees 56 minutes 21 seconds West for a distance of 52.00 feet to a point;

Thence North 08 degrees 32 minutes 25 seconds East, for a distance of 260.06 feet to a point;

Thence South 81 degrees 55 minutes 41 seconds East, for a distance of 20.00 feet to a point;

Thence North 07 degrees 52 minutes 31 seconds East, for a distance of 198.14 feet to a point;

Thence along a curve to the left having a radius of 966.45 feet and an arc length of 465.70 feet, being subtended by a chord of North 05 degrees 46 minutes 20 seconds West, for a distance of 461.21 feet to a point;

Thence North 20 degrees 45 minutes 00 seconds West, for a distance of 48.46 feet to a concrete monument;

Thence North 80 degrees 15 minutes 22 seconds East, for a distance of 55.50 feet to a ½" rebar pin found;

Thence North 89 degrees 23 minutes 31 seconds East, for a distance of 186.23 feet to a point;

Thence South 02 degrees 55 minutes 14 seconds East, for a distance of 61.79 feet to a point;

Thence North 86 degrees 50 minutes 47 seconds East, for a distance of 395.20 feet to a point;

Thence following the following courses via the centerline of Snapfinger Creek:

Thence South 51 degrees 44 minutes 00 seconds West, for a distance of 88.22 feet to a point;

Thence South 25 degrees 46 minutes 57 seconds West, for a distance of 14.64 feet to a point;

Thence South 25 degrees 46 minutes 57 seconds West, for a distance of 14.91 feet to a point;  
Thence South 24 degrees 31 minutes 37 seconds West, for a distance of 80.65 feet to a point;  
Thence South 01 degrees 52 minutes 34 seconds West, for a distance of 38.61 feet to a point;  
Thence South 17 degrees 57 minutes 31 seconds West, for a distance of 24.52 feet to a point;  
Thence South 17 degrees 57 minutes 31 seconds West, for a distance of 39.01 feet to a point;  
Thence South 23 degrees 33 minutes 32 seconds West, for a distance of 151.81 feet to a point;  
Thence South 33 degrees 31 minutes 31 seconds West, for a distance of 95.15 feet to a point;  
Thence South 22 degrees 37 minutes 51 seconds West, for a distance of 35.91 feet to a point;  
Thence South 12 degrees 18 minutes 08 seconds West, for a distance of 127.01 feet to a point;  
Thence South 18 degrees 57 minutes 46 seconds West, for a distance of 58.24 feet to a point;  
Thence South 25 degrees 18 minutes 25 seconds West, for a distance of 71.78 feet to a point;  
Thence South 30 degrees 14 minutes 20 seconds West, for a distance of 64.57 feet to a point;  
Thence South 24 degrees 18 minutes 12 seconds West, for a distance of 30.39 feet to a point;  
Thence South 02 degrees 05 minutes 31 seconds West, for a distance of 45.66 feet to a point;  
Thence South 40 degrees 05 minutes 02 seconds East, for a distance of 34.30 feet to a point;  
Thence South 59 degrees 42 minutes 39 seconds East, for a distance of 13.34 feet to a point;

**Thence leaving said Snapfinger Creek proceed the following courses:**

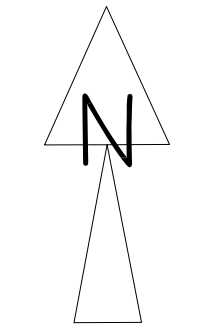
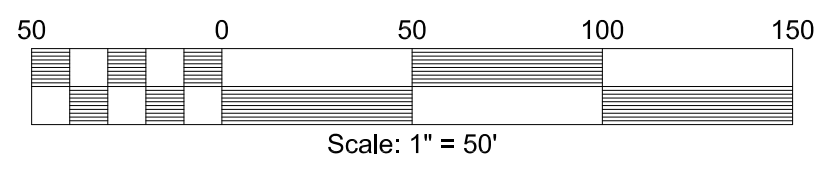
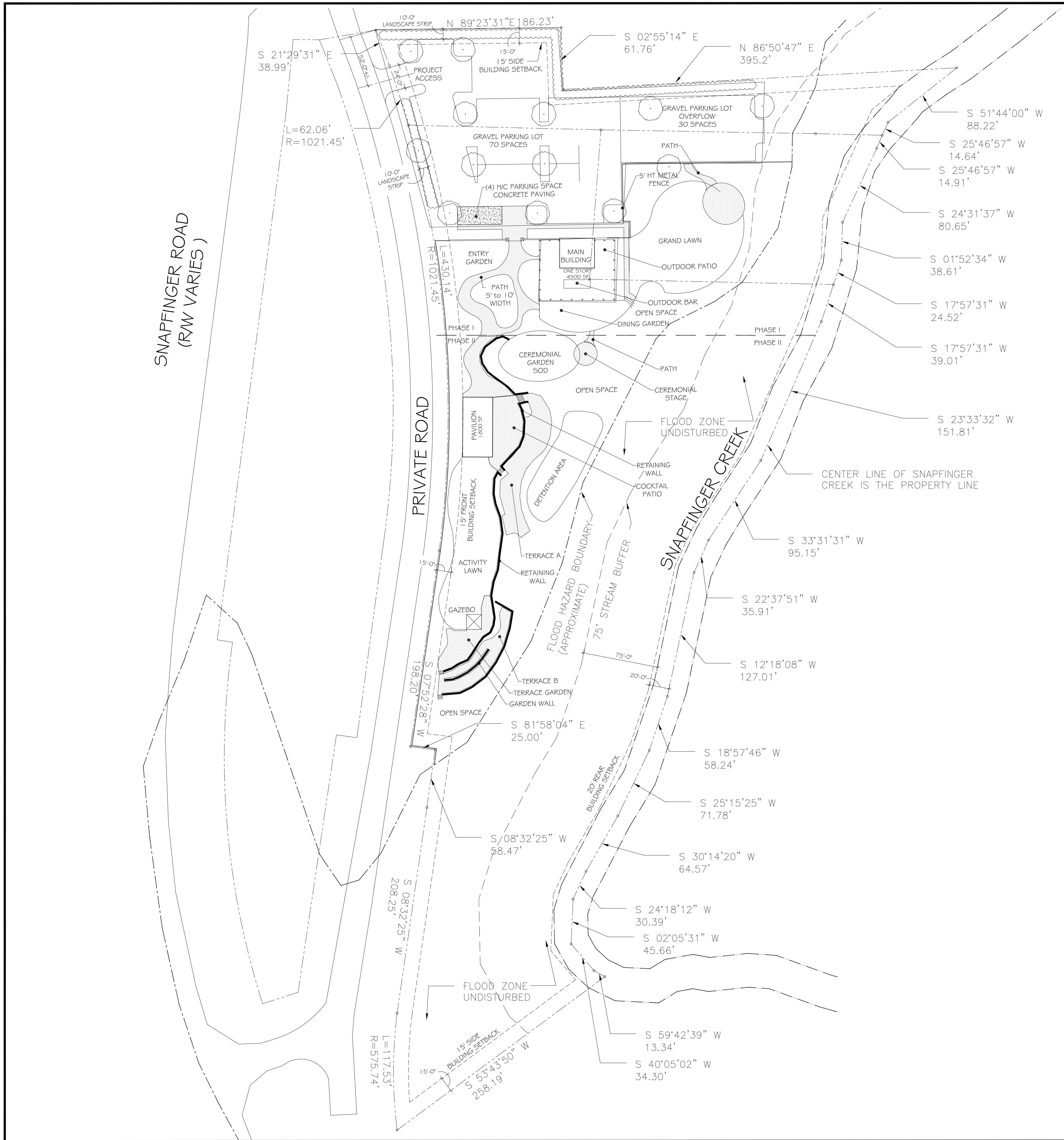
Thence South 53 degrees 43 minutes 50 seconds West, for a distance of 258.19 feet to the point of beginning for Tract 6;

Thence along a curve to the left having a radius of 575.74 feet and an arc length of 140.03 feet, being subtended by a chord of South 13 degrees 26 minutes 58 seconds East, for a distance of 140.03 feet to the point of beginning for Tract 7;

Thence along a curve to the left having a radius of 536.40 feet and an arc length of 88.12 feet, being subtended by a chord of South 27 degrees 31 minutes 58 seconds East, for a distance of 88.12 feet to the TRUE POINT OF BEGINNING.

The combined Tracts 3 thru 6 contain approximately 8.90 acres as shown on that certain Boundary Survey prepared for RAW PROPERTIES, INC., dated December 5, 2006, *last revised* January 9, 2018, prepared by Chris M. Patton, G.R.L S. No 2647, Patton Land Surveying, LLC, Project No. 17-282.





**Total Property area: 6.84 acres**

**Proposed Building:**

**Main Building (4500 SF):**

- One Story
- Building: Kitchen, Storage, Office, Restrooms
- Outdoor Patio with roof: Outdoor Bar and Dining Area

**Pavilion (1800 SF):** Outdoor Kitchen, Bar and Seating Area.

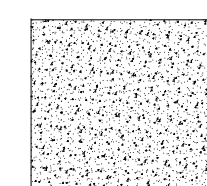
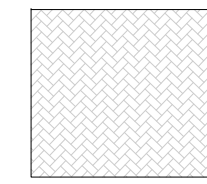
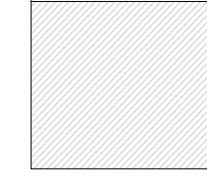
**Proposed Parking:**

Parking: total 100 spaces. (1 space/300 to 500sf)  
 32300sf total function use area:  
 1 space/325sf.

Provide 70 permanent parking space on gravel parking lot.  
 30 overflow spaces on gravel.

4 Handicap parking space provided (including 1 van)

**Open Space : Approximately 3.2 acres (45%) .**

-  CONCRETE PAVING
-  CONCRETE PAVERS
-  GRAVEL / CRUSHED SLATE

**archetype**  
 landscape

1827 POWERS FERRY RD.  
 BUILDING 25, SUITE 300  
 ATLANTA, GEORGIA 30339

TELEPHONE: 678.237.8500  
 WWW.ARCHETYPELANDSCAPELLC.COM  
 PROJECT NO. AL 20686.00

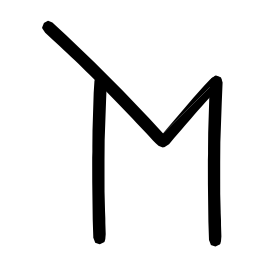
Client  
**ENT Social Events, LLC**  
 Contact: Arianne Salandy  
 (404)-654-0368

NO.	BY	APPROVED	DATE
1	LM	CLIENT SUBMITTAL	01-08-21
1	LM	CLIENT SUBMITTAL	02-24-21
1	LM	ZONING SUBMITTAL	02-25-21

This drawing and their reproductions are the property of the landscape architect and may not be reproduced, published, or used in whole or in part without the written permission of the landscape architect. The survey provided is for informational purposes only and the Landscape Architect and/or Courtland Landscape Architecture & Construction, Inc. shall not be held liable for any inaccuracies.

Project Title  
**Green Acres**

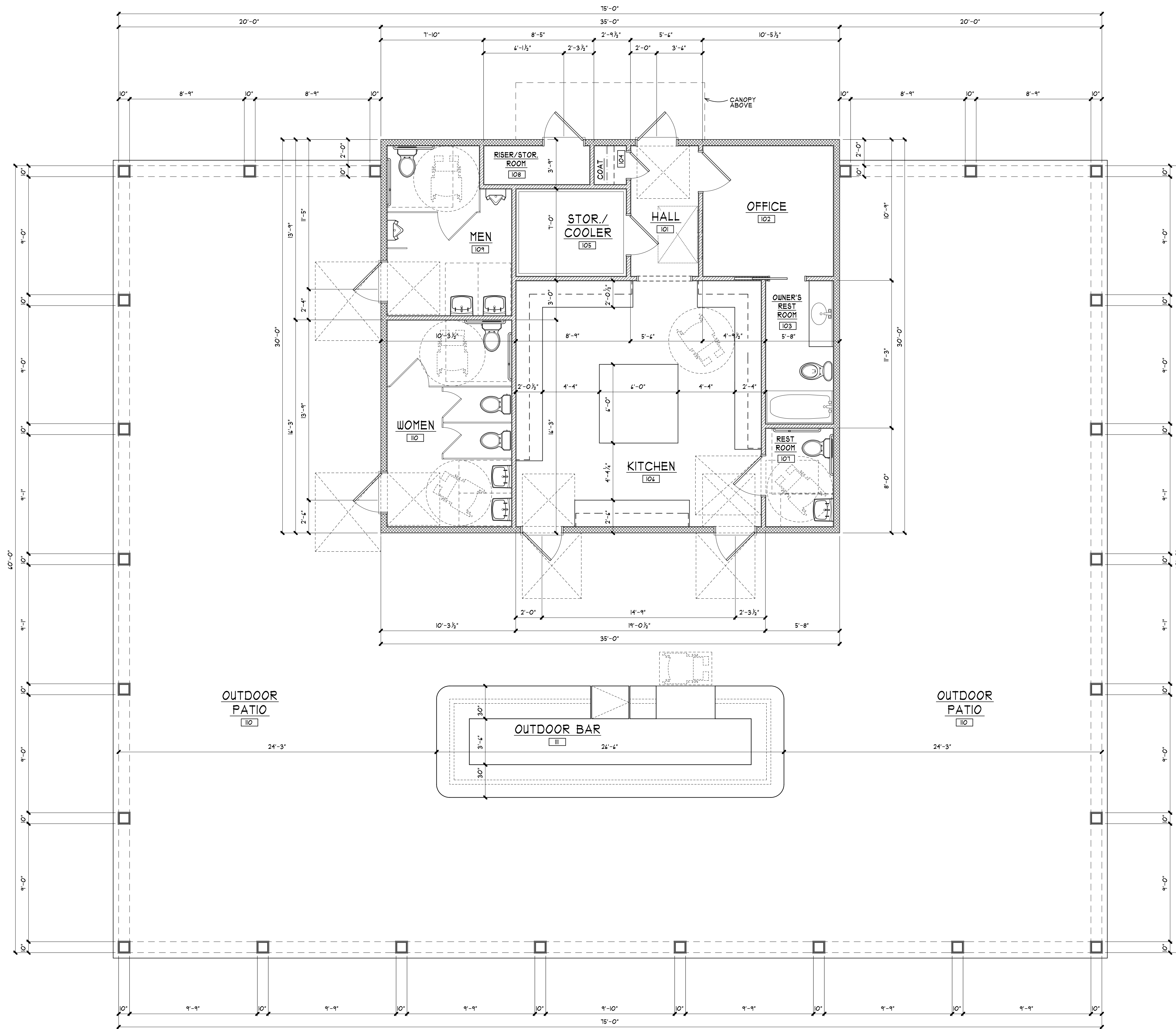
Project Location  
 3138 - 3158 Snapping Road  
 Decatur, GA

Project No.  
 Drawn By:  


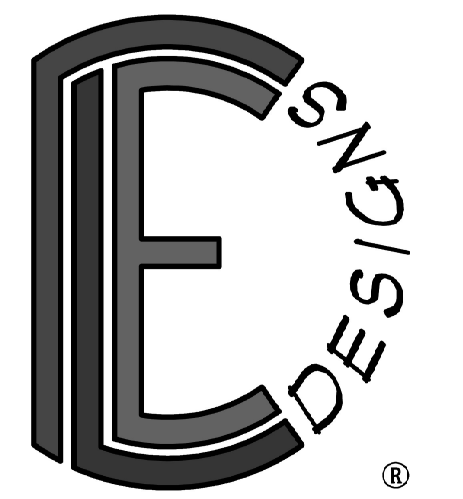
Date: 01.08.2021

Sheet Title  
**Site Plan**

Sheet Number  
**1**



1 FIRST FLOOR PLAN  
 A1-02 1/4" = 1'-0"



RLE Designs, LLC  
 Architect  
 3330 Cobb Parkway, NW  
 Suite 324-328  
 Acworth, GA 30101  
 (770) 315-4914  
 www.rledesigns.com

PRELIMINARY DRAWINGS  
 NOT FOR CONSTRUCTION

# Green Acres Residence

City, County, State

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- IMPORTANT NOTES:**
- A1) RLE Designs, LLC assumes no liability for any structure constructed from these drawings. The architectural drawings convey aesthetic design.
  - A2) Plans indicate locations only. Engineering aspect should incorporate actual site conditions.
  - A3) All framing member spacing and connections are to be determined by the contractor or designed by an engineer.

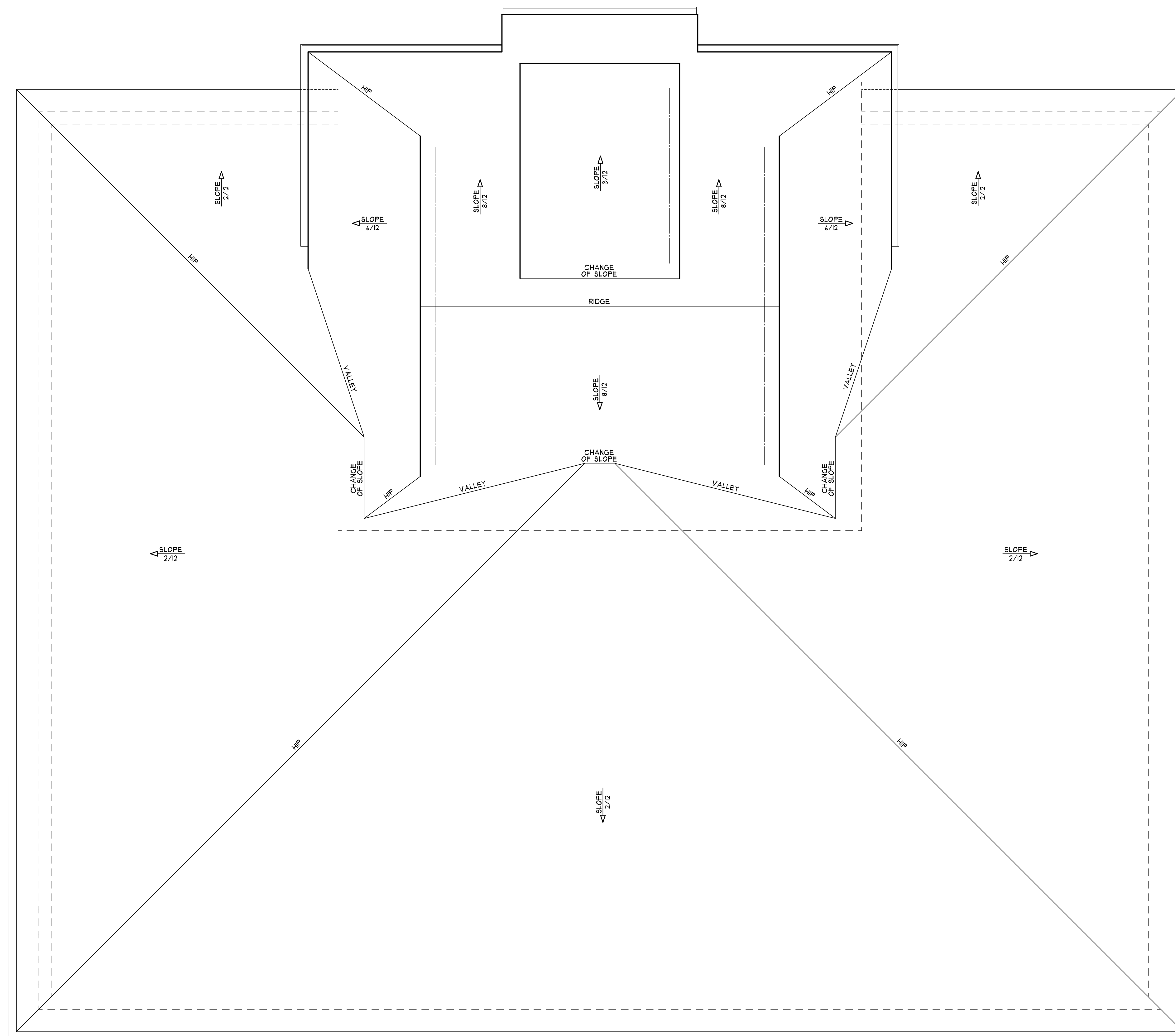
Execution of the Contract by the Contractor is a representation that the Contractor will perform the following:

- C1) Contractor must verify ALL DIMENSIONS. Drawings are not to be scaled.
- C2) Contractor is to report to RLE Designs, LLC any errors, omissions or inconsistencies discovered or made known to him/her in the drawings before proceeding.
- C3) Contractor shall report to RLE Designs, LLC any nonconformity discovered or made known to him/her between the drawings and all APPLICABLE BUILDING CODES.
- C4) Contractor is responsible for quality of material and workmanship.
- C5) Contractor is responsible for means and methods of construction.

DATE	PROJECT NUMBER
02/05/21	2020-309

REVISIONS	
DATE	DESCRIPTION

SHEET  
 A1-02



1 ROOF PLAN  
A1-03 1/4" = 1'-0"

ROOF PLAN NOTES

- - - - - OUTFACE OF MAIN FLOOR STUD BELOW.
- \_\_\_\_\_ OUTFACE OF SECOND FLOOR STUD BELOW.
- SEE CORNICE SECTIONS FOR OVERHANG DIMENSIONS.
- SEE CORNICE SECTIONS FOR GUTTER TYPE AND SIZE.



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A1-03



1 REAR ELEVATION  
A2-01 1/4" = 1'-0"



2 LEFT ELEVATION  
A2-01 1/4" = 1'-0"



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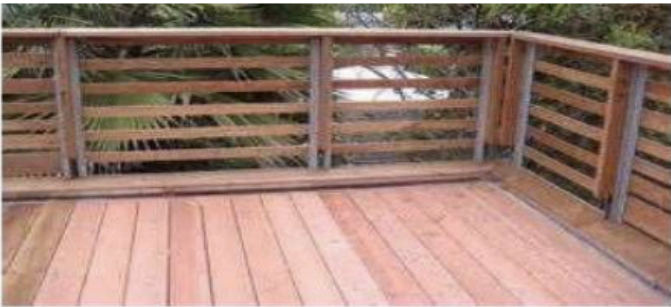
DATE	PROJECT NUMBER
02/05/21	2020-309

REVISIONS	
DATE	DESCRIPTION

SHEET  
A2-01

# Green Acres

# Patio



# Green Acres



# Clubhouse/Kitchen Dinning Garden Grand Lawn



temporary tent on grand lawn...

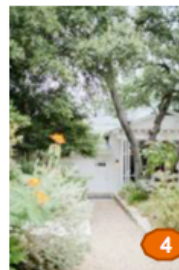


# Green Acres



# Main Entrance Welcome Garden

1. Arrival Court: Existing tree, flower pots, display features
2. Entry Structure: Portal of the site, fence/wall panel
3. Event display features: theme of the event, atmosphere.
4. Welcome garden: start to the 'garden' experience, node of circulation to different function areas.
5. Planting: layers of evergreen, flower shrubs, perennials,, seasonal colors, accent plants, etc.
6. Gravel or mulch path



**STATEMENT OF INTENT**  
**AND**  
**IMPACT ANALYSIS**

And

Other Material Required by  
DeKalb County Zoning Ordinance  
For

Major Modification Application pursuant to  
the DeKalb County Zoning Ordinance

Of

RAW PROPERTIES, INC.

For

+/- 8.90 acres of Land  
located in  
Land Lots 65 & 96, 15<sup>th</sup> District, DeKalb County

Submitted for Applicant by:

Michèle L. Battle  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404) 601-7616 Phone  
(404) 745-0045 Facsimile  
[mlb@battlelawpc.com](mailto:mlb@battlelawpc.com)



## I. STATEMENT OF INTENT

The Applicant, Raw Properties, is the owner of the following five tracts of land with an aggregate acreage of 8.90 acres (the “Subject Property”):

3138 Snapfinger Road	Tax Parcel 15-096-02-009
3148 R Snapfinger Road Rear	Tax Parcel 15-096-02-071
3158 Snapfinger Road	Tax Parcel 15-096-02-010
3186 Snapfinger Road	Tax Parcel 15-065-01-040
3224 Snapfinger Road	Tax Parcel 15-096-02-002

The Subject Property is currently zoned C-1 pursuant to Rezoning Case CZ-18-22045 (the “**Existing Zoning Case**”) for the development of office/trade contractor business park (the “**Original Project**”). The Existing Zoning Case was approved subject to the ten (10) conditions which are attached hereto as Exhibit “A” (the “**Current Zoning Conditions**”). Since the approval of the Existing Zoning Case in May of 2018, the Original Project has not been developed, and the property has been listed for sale. ENT Social Events, LLC (the “**Prospective Purchaser**”) has recently placed the property under contract for acquisition. It is their desire to develop an open-air Caribbean restaurant on the Subject Property consistent with the site plans submitted simultaneously with this Application. The current conditions do not allow for the development of a restaurant on the Subject Property. Therefore, it is the Applicant’s desire to amend the Current Zoning Conditions to include an 11<sup>th</sup> condition which would allow for the development of a restaurant on the Subject Property, subject to the conditions proposed by staff. By adding this condition, Applicant’s right to develop the Subject Property under the Current Zoning Conditions is preserved if the Prospective Purchaser fails to acquire the Subject Property.

The proposed restaurant will offer a fusion of Caribbean/American cuisine in an open-air space that will have the look and feel of a Caribbean oasis in Georgia. The atmosphere will be casual chic, with outdoor eating spaces adjacent to the main building which will include the kitchen, business office and bathroom space. Adjacent to this 4,500 sq. ft. building will be the open bar area, which will feature typical Island Specialty Drinks, such as Rum Punch, Daiquiris, Piña Coladas, etc. The balance of the property will feature an open-air pavilion, sculptured landscaped areas, a great lawn and parking areas. It is the Prospective Purchaser’s desire bring the Caribbean to South DeKalb with a comfortable space for both the sophisticated adult, as well as for families seeking a good meal, joy and laughter for evening dinner, or a family dinner after church. During the winter and colder months, commercial grade restaurant heat lamps will be added to keep guest comfortable in the eating areas closest to the main building. The vision for the restaurant is also intended to be a COVID safe environment and allow for adaptability if any other similar virus results in the need for social distancing.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis as required by the DeKalb County Zoning Ordinance, § 27-829(f). A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

## **II. IMPACT ANALYSIS**

### **A.**

#### **THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN**

The Subject Property is designated Suburban under the DeKalb Comprehensive Land Use Plan through 2035 and is consistent with the economic development policies set forth in the Comprehensive Plan, as well as with the policies under the Suburban Land Use Designation regarding non-residential development.

### **B.**

#### **THE PROPOSED REZONING PERMITS A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY.**

The Subject Property is located along the Snapfinger Road corridor which is a major arterial road. The Proposed Project will allow for the development of a restaurant on the Subject Property as an additional use. The surrounding area is made up of both residential and non-residential development. There are no restaurants in the immediate area, despite the strong desire by the surrounding community for quality restaurants that are not fast food oriented, or a sports bar.

### **C.**

#### **THE SUBJECT PROPERTY DOES NOT HAVE A REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property does have a reasonable economic use as presently zoned, but the proposed addition of the restaurant use will be an enhancement to the economic viability of the Subject Property and bring to the community a highly sought after use.

### **D.**

#### **THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed Major Modification will in no way adversely affect the existing use or usability of adjacent or nearby property. There is an existing a self-storage facility and Exxon gas station near the Subject Property, along with residential communities surrounding the area. The residential lot zoned R-100 adjacent to the eastern boundary line of the Subject Property is located within the corporate limits of the City of Stonecrest and is undeveloped and landlocked.

### **E.**

#### **OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

There are no existing or changing conditions affecting the use and development of the Subject Property.

**F.**  
**THE ZONING PROPOSAL WILL NOT  
ADVERSELY AFFECT HISTORIC BUILDINGS,  
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the requested Major Change of Condition Application.

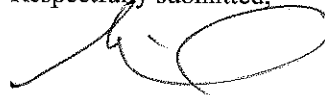
**G.**  
**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH  
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS,  
TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

The Proposed Project will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Snapfinger Road is a major arterial road which can handle any traffic generated by the Proposed Project. The Proposed Project will have no negative impact on the surrounding communities, and there are no schools near the Subject Property.

**IV. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that this Major Modification Application be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

Respectfully submitted,



---

Michèle L. Battle  
Attorney For Applicant

## CONSTITUTIONAL ALLEGATIONS

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 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 the Due Process Clause of the Fourteenth Amendment to 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 and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of 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, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A refusal by the DeKalb County Board of Commissioners to modify the CZ-18-22045 conditions of 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 modification 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 unconstitutional conditions and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

The existing zoning conditions 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 the unconstitutional zoning condition 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.

EXHIBIT "A"

Comm. A-11  
Item No. 2018-1644 Date: 5/22/2018  
Clerk's Office

**RECOMMENDED CONDITIONS**

**Z-18-22045**

**Rezone from R-100 (Residential Small Lot-100) and C-1 (Local Commercial) to C-1 (Local Commercial)**

1. Site layout and configuration shall be in substantial compliance with the architectural site plan provided to the Planning Commission dated January 3, 2018.
2. Both entrance points off Snapfinger Road shall be gated to prevent vehicular access to the Property after business hours.
3. Surveillance cameras shall be erected and maintained throughout the Property and footage from such cameras shall be made available to local law enforcement as requested in connection with the investigation of any criminal activity on or near the Property.
4. Office Hours shall be limited to Monday through Saturday 7:00am until 7:00pm.
5. Eighteen-wheeler truck delivery hours shall be limited to Monday and Friday between 10:00AM and 4:00PM, all other truck deliveries shall be limited to Monday through Friday between 10:00AM and 7:00PM. USPS, UPS, FEDEX and other similar courier services shall be exempt from this delivery hour condition.
6. The use of the Property shall be limited to the following:
  - a. Accounting Office
  - b. Building or Construction Office
  - c. Engineering or Architects Office
  - d. General Business Office
  - e. Insurance Office
  - f. Legal Office
  - g. Medical Office
  - h. Real Estate Office
  - i. Trade shops: electrical, plumbing, heating/cooling, roofing/siding, with no outside storage
  - j. Plumbing, HV/AC equipment establishments with no outdoor storage
  - k. Quick copy printing store
  - l. Health services clinic
  - m. Kidney dialysis center
  - n. Medical or dental laboratories
  - o. Home healthcare service
7. Signage on the Property shall be limited to monument signs at the entrance point to the Property, with landscaping at the base of the sign.

8. The parking lot shall have adequate lighting in conformity with Chapter 27, Article 5, Section 5.6.1 Outdoor Lighting of the DeKalb County Zoning Ordinance.
9. There shall be no outdoor storage of materials and supplies.
10. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

2/4/2021

My fellow community members:

Great news! We have an exciting proposal for the new site development of an upscale casual restaurant/bar at the property address 3158 Snapfinger Rd, Decatur GA. Our outdoor concept would present the community with an experience unlike any other in Dekalb County and the metro Atlanta area.

With over 4 acres of well landscaped gardens and 2 covered patios, members of the community can enjoy a relaxing picnic on the grand lawn or a delicious handcrafted cocktail under the shade of the patio. Food served will be a fusion of Caribbean and American culture to satisfy your taste buds. The ambience and décor upon entering the grounds promises to be transformative!

Join us on Wednesday 24<sup>th</sup> February 2021 at 6:30pm as we present our concept to you via zoom and discuss some of the details. Please see below for the meeting details.

**Topic: Dekalb County Community Meeting**

**Time: Feb 24, 2021 06:30 PM Eastern Time (US and Canada)**

**Join Zoom Meeting**

**<https://us04web.zoom.us/j/75157612548?pwd=MjZxSEozUTlyOC9YYmlMYnZUaWg3dz09>**

**Meeting ID: 751 5761 2548**

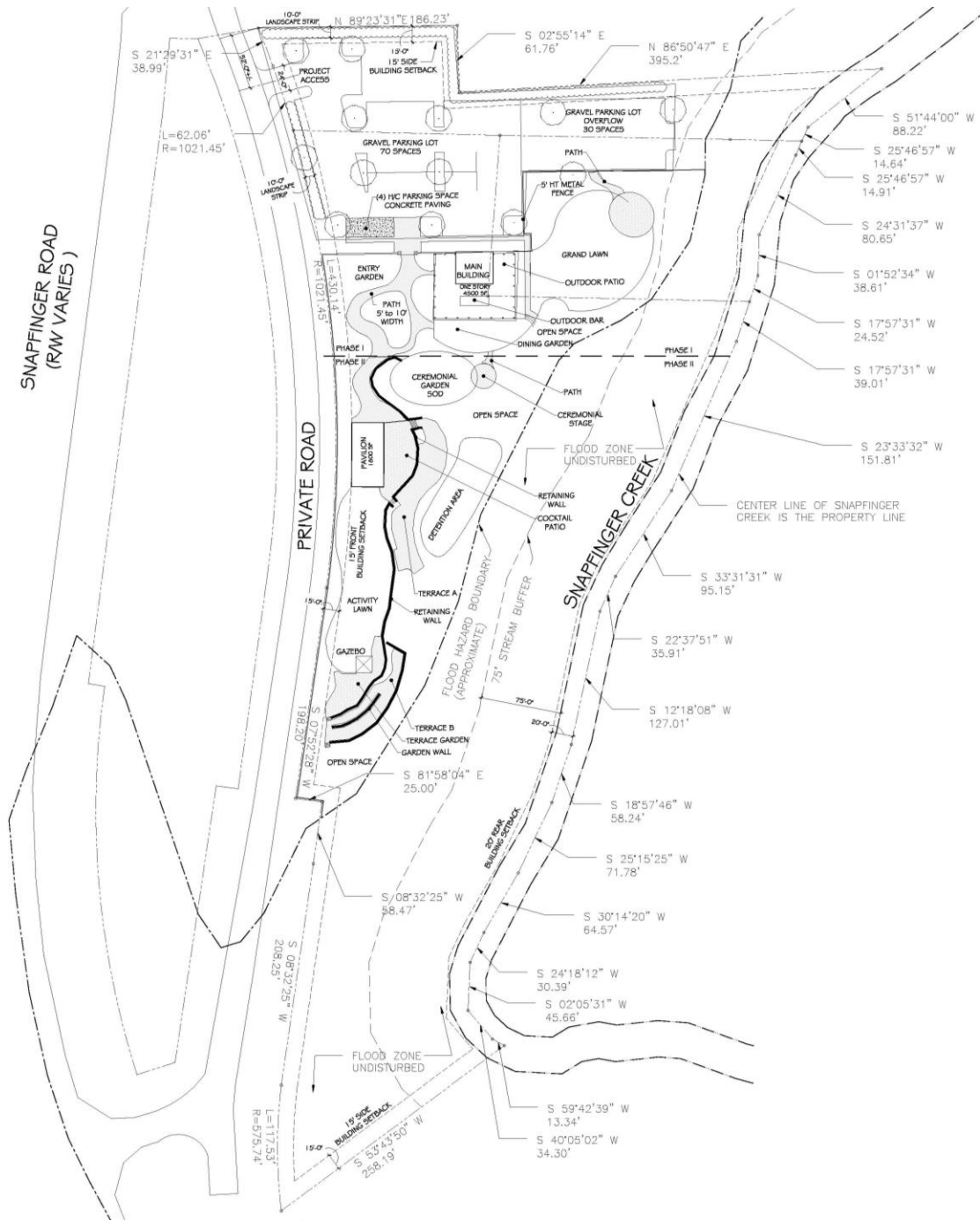
**Passcode: 00ahEd**

We look forward to virtually meeting you all!

Thank You,

Arianne & Gerik

ENT! Social Events, LLC







1 REAR ELEVATION  
A2-01 1/4" = 1'-0"



2 LEFT ELEVATION  
A2-01 1/4" = 1'-0"



## Green Acres



## Main Entrance Welcome Garden

1. Arrival Court: Existing tree, flower pots, display features
2. Entry Structure: Portal of the site, fence/wall panel
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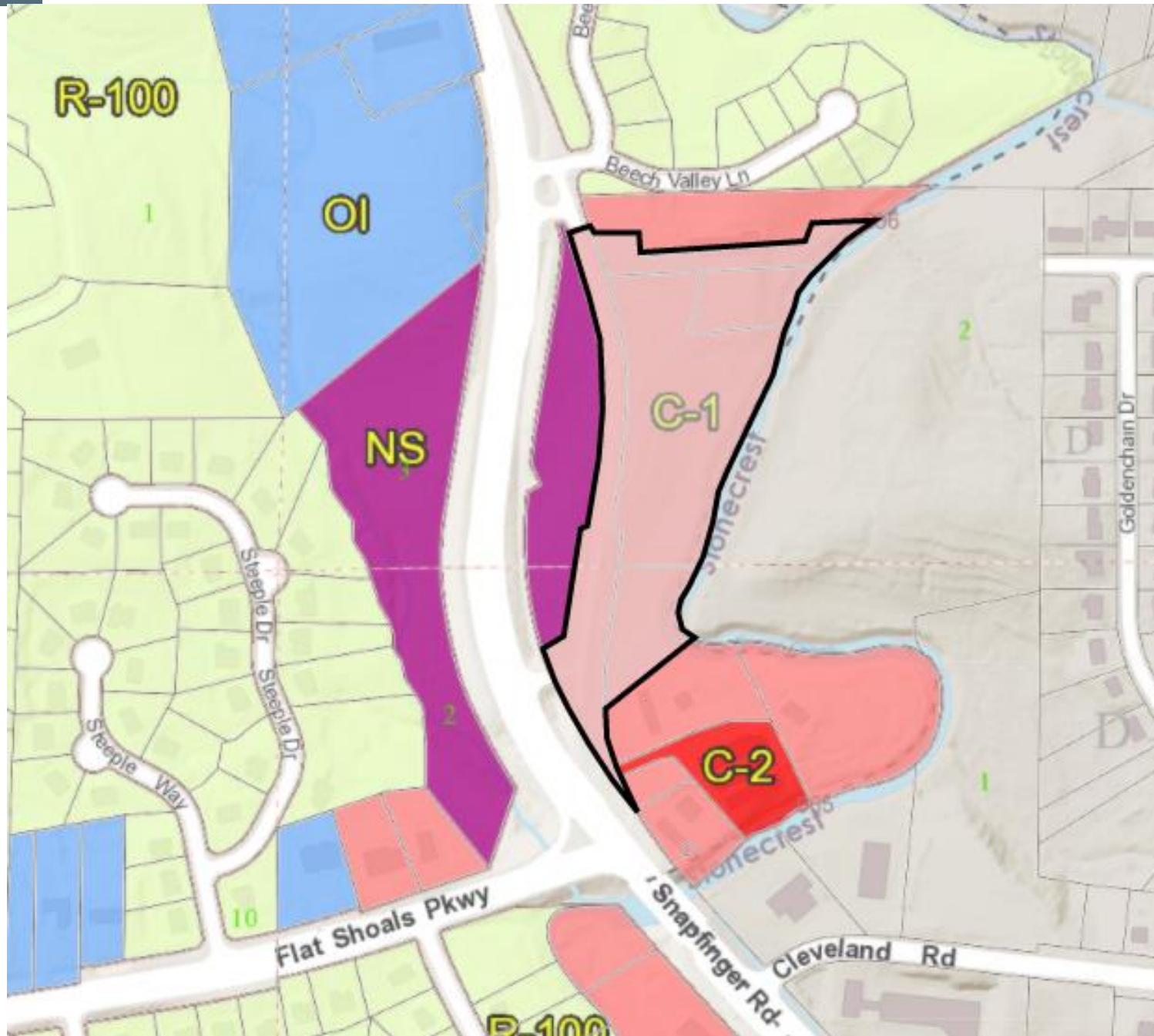


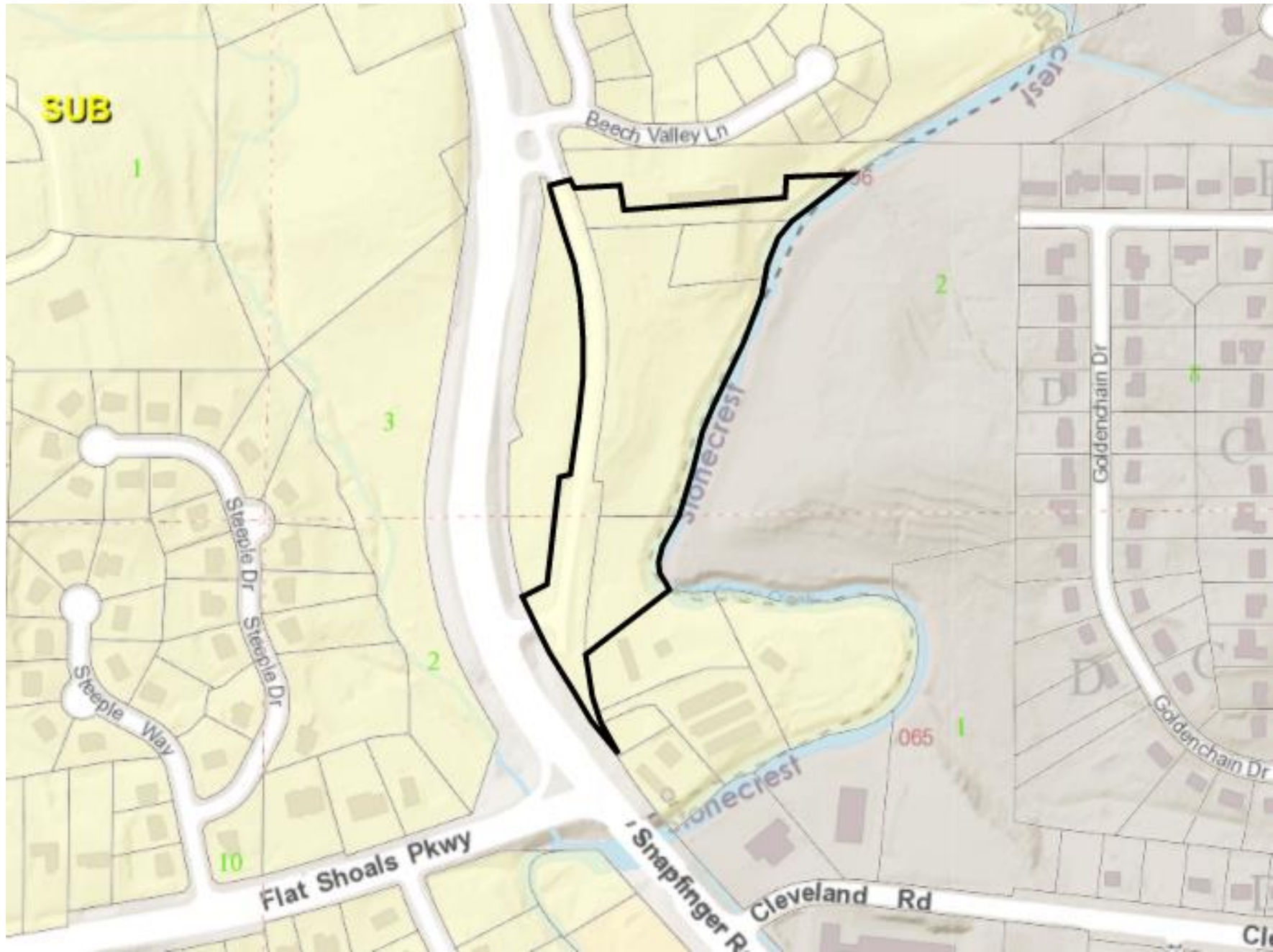
### Clubhouse/Kitchen Dinning Garden Grand Lawn



temporary tent on grand lawn...











View of Subject Property from Beech Valley Lane





**View of Subject Property from Southern Entrance Point**