



Planning and Zoning
 1975 Lakeside Parkway, Suite 350
 Tucker, GA 30084
 Phone: 678-597-9040
 Website: www.tuckerga.gov

Land Use Petition Application

Type of Application: Rezoning Comprehensive Plan Amendment Special Land Use Permit
 Concurrent Variance Modification

APPLICANT INFORMATION		
Applicant is the: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: Georgia Clay Properties, LLC. c/o Battle Law, P.C.		
Address: 3562 Habersham at Northlake Rd., Building J, Suite 100		
City: Tucker	State: Ga	Zip: 30084
Contact Name: Michele Battle		
Phone: 404-601-7616	Email: mlb@battlelawpc.com	
OWNER INFORMATION		
Name: Georgia Clay Properties, LLC		
Address: 4528 Candler Lake East		
City: Atlanta	State: GA	Zip: 30319
Contact Name: Jeremy Le		
Phone: (678) 428-1061	Email: jeremy@albertshouseinc.com	
PROPERTY INFORMATION		
Property Address: 2553 Sandpiper Drive		
Present Zoning District(s): R-75 SF Residential	Requested Zoning District(s): R-75	
Present Land Use Category: Suburban	Requested Land Use Category: Suburban	
Land District: 18	Land Lot(s): 256	Acreage: 0.45
Proposed Development: Personal Care Home up to 6 persons.		
Concurrent Variance(s): N/A		
RESIDENTIAL DEVELOPMENT		
No. of Lots/Dwelling Units: 1	Dwelling Unit Size (Sq. Ft.): 2,512	Density: N/A
NON-RESIDENTIAL DEVELOPMENT		
No. of Buildings/Lots:	Total Building Sq. Ft.:	Density:

RECEIVED
CITY OF TUCKER

06/13/2023



Planning and Zoning
 1975 Lakeside Parkway, Suite 350
 Tucker, GA 30084
 Phone: 678-597-9040
 Website: www.tuckerga.gov

Land Use Petition Application Checklist

FOR ALL REZONINGS, COMPREHENSIVE PLAN AMENDMENTS, SPECIAL LAND USE PERMITS, MODIFICATIONS, AND CONCURRENT VARIANCES

REQUIRED ITEMS	NUMBER OF COPIES	CHECK <input type="checkbox"/>
One (1) digital copy of all submitted materials	• One (1) flash drive or CD in .JPEG, .PDF format	<input checked="" type="checkbox"/>
Pre-Application Meeting Form	• One (1) Copy	<input type="checkbox"/>
Public Participation Report	• One (1) Copy	<input type="checkbox"/>
Application, Signature Pages, Disclosure Form	• One (1) Copy each	<input type="checkbox"/>
Written Legal Description	• One (1) 8 ½" x 11" Legal Description	<input type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 9 for Requirements)	• Five (5) Full-Size (24" x 36") Copies of each • One (1) 8 ½" x 11" or 11x17 Site Plan of each	<input type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with Article 5)	• One (1) Copy	<input type="checkbox"/>
Letter of Intent	• One (1) Copy	<input type="checkbox"/>
Analysis of Standards/Criteria (See page 5)	• One (1) Copy	<input type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input type="checkbox"/>
Trip Generation Letter (ITE Trip Generation Manual)	• One (1) Copy	<input type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study (See Sec. 46-1309)	• One (1) Copy	<input type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input type="checkbox"/>
Environmental Impact Report	• One (1) Copy	<input type="checkbox"/>
Noise Study Report	• One (1) Copy	<input type="checkbox"/>
Meeting with GDOT if impact to I-285 Eastside Express Lanes	• One (1) Copy	<input type="checkbox"/>
Other items required per the Zoning Ordinance	• One (1) Copy	<input type="checkbox"/>
LAND USE PETITION FEE SCHEDULE		
Residential Rezoning	\$500	<input type="checkbox"/>
Multifamily/Non-Residential Rezoning	\$750	<input type="checkbox"/>
Special Land Use Permit	\$400	<input checked="" type="checkbox"/>
Comprehensive Plan Amendment	\$1000	<input type="checkbox"/>
Modification	\$250	<input type="checkbox"/>
Variance (includes Concurrent Variance)	\$300	<input type="checkbox"/>
Public Notice Sign Fee	\$80 (per required sign)	<input checked="" type="checkbox"/>

RECEIVED
 CITY OF TUCKER

06/13/2023

PLANNING & ZONING
 DEPARTMENT

SLUP-23-0002

PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

I, Georgia Clay Properties, LLC, authorize, Battle Law, P.C.
(Property Owner) (Applicant)

to file for SLUP, at 2553 Sandpiper Drive, Tucker, Ga 30319
(RZ, CA, SLUP, M, CV) (Address)

on this date April, 14, 2023
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

[Signature] 05/08/2023
Signature of Property Owner Date

Duc Le, CEO
Type or Print Name and Title

[Signature] 05/08/2023
Signature of Notary Public Date



RECEIVED
CITY OF TUCKER
06/13/2023

APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.



Georgia Clay Properties, LLC

05/08/2023

Signature of Applicant

Date

Duc Le, CEO

Type or Print Name and Title



Signature of Notary Public

05/08/2023

Date

Notary Seal



RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

ANALYSIS OF STANDARDS/CRITERIA

ZONING MAP AMENDMENT CRITERIA

Section 46-1560 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

COMPREHENSIVE PLAN MAP AMENDMENT CRITERIA

Section Sec. 46-1559 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

SPECIAL LAND USE PERMIT CRITERIA

Section 46-1594 and 46-1595 of the City of Tucker Zoning Ordinance lists specific criteria that shall be considered by the planning and zoning department, the planning commission, and the mayor and city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the mayor and city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in Article 4. The applicant shall write a detailed written analysis of criteria as it relates to their proposed project.

CONCURRENT VARIANCE CRITERIA

Section 46-1633 of the City of Tucker Zoning Ordinance lists specific criteria the board shall use in determining whether or not to grant a variance. The applicant shall provide a written analysis of how the request complies with this criteria, if they are requesting a concurrent variance.

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

ENVIRONMENTAL SITE ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN**. Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project. Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**. For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).
 - a. Wetlands (NOT PRESENT)
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable

 - b. Floodplain (NOT PRESENT)
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification

 - c. Streams/stream buffers (NOT PRESENT)
 - Field observation and verification

 - d. Slopes exceeding 25 percent over a 10-foot rise in elevation (NOT PRESENT)
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification

 - e. Vegetation (NOT PRESENT)
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation

 - f. Wildlife Species (including fish) (NOT PRESENT)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation

 - g. Archeological/Historical Sites (NOT PRESENT)
 - Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

RECEIVED
CITY OF TUCKER

06/13/2023

ENVIRONMENTAL SITE ANALYSIS FORM (CONTINUED)

Applicant: Georgia Clay Properties, LLC

Location: 2553 Sandpiper Drive, Tucker, Ga

3. PROJECT IMPLEMENTATION MEASURES. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There are no records shown of existing flood plains or streams that would impact the requested use.

b. Protection of water quality;

The proposed use will not impact the water quality.

c. Minimization of negative impacts on existing infrastructure.

The proposed use will have minimum impact on the existing infrastructure.

d. Minimization of archeological/historically significant areas;

There are no records of any significant areas of historic value found on the property.

e. Minimization of negative impacts on environmentally stressed communities were environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries, and manufacturing facilities) use.

There is no evidence of negative impacts as described above. There are no adverse conditions to the site that will be caused by the proposed use. All waste, water, and fire needs will be subject to the City/ County requirements for a home-based occupation.

f. Creation and preservation of green space and open space;

No open space of green space will be impacted by the requested use.

g. Protection of citizens from the negative impacts of noise and lighting;

The proposed use will not increase the usage of lighting or noise. The character of use for the property will remain a residential dwelling.

h. Protection of parks and recreational green space;

The proposed use will have no impact on parks and recreational use.

i. Minimization of impacts to wildlife habitats;

There is no evidence of impact to wildlife habitats.

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: **YES** (if YES, complete points 1 through 4);



1. **CIRCLE ONE:** **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3. **CAMPAIGN CONTRIBUTIONS:**

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Duc Le

Signature:

Date: 05/08/2023 **06/13/2023**

**RECEIVED
CITY OF TUCKER**

PLANNING & ZONING
DEPARTMENT

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

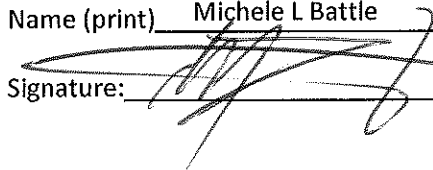
1.	5.
2.	6.
3.	7.
4.	8.

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Michele L Battle

Signature: 

Date: 5/18/2023

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SITE PLAN CHECKLIST

All items must be included on the Site Plan; separate Site Plans may be necessary to address all items

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
3. Acreage of subject property
4. Location of land lot lines and identification of land lots
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
6. Proposed streets on the subject site
7. Posted speed limits on all adjoining roads
8. Current zoning of the subject site and adjoining property
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
11. Location of proposed buildings (except single family residential lots) with total square footage
12. Layout and minimum lot size of proposed single family residential lots
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
15. Required and/or proposed setbacks
16. 100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
18. Required and proposed parking spaces; Loading and unloading facilities
19. Lakes, streams, and waters on the state and associated buffers
20. Proposed stormwater management facilities
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
22. Availability of water system and sanitary sewer system
23. Tree lines, woodlands and open fields on subject site
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet
25. Wetlands shown on the County's GIS maps or survey.
26. Mail kiosk location.

**RECEIVED
CITY OF TUCKER**

06/13/2023

**PLANNING & ZONING
DEPARTMENT**

LAND USE PETITION CALENDAR

*Application Deadline	Planning Commission	M&CC 1st Read	M&CC 2nd Read
12/12/2022	1/19/2023	2/13/2023	3/13/2023
1/09/2023	2/16/2023	3/13/2023	4/10/2023
2/13/2023	3/16/2023	4/10/2023	5/8/2023
3/13/2023	4/20/2023	5/8/2023	6/12/2023
4/10/2023	5/18/2023	6/12/2023	7/10/2023
5/8/2023	6/15/2023	7/10/2023	8/14/2023
6/12/2023	7/20/2023	8/14/2023	9/11/2023
7/10/2023	8/17/2023	9/11/2023	10/10/2023
8/14/2023	9/21/2023	10/10/2023	11/13/2023
9/11/2023	10/19/2023	11/13/2023	12/11/2023
10/10/2023	11/16/2023	12/11/2023	TBD
11/13/2023	12/14/2023	TBD	TBD
12/11/2023	TBD	TBD	TBD

*Incomplete applications will not be accepted.

PUBLIC PARTICIPATION PLAN AND REPORT

See separate document.

PUBLIC NOTICE REQUIREMENTS

Sec. 46-1526 details the public notice requirements for land use petitions, which include public notice sign(s), advertisement in The Champion newspaper, and written notice to everyone within 500’.

- The applicant is responsible for posting the public notice sign(s). City of Tucker Staff will order the signs(s) and provide the required timeframe for posting.
- The City of Tucker is responsible for placing the legal ad in The Champion newspaper
- The City of Tucker is responsible for mailing the written notification to surrounding property owners.

PROPERTY COMPLIANCE

All Occupational Tax payments must be paid in-full and any and all outstanding code violations on the property must be rectified prior to the public hearing.

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT



Battle Law

STATEMENT OF INTENT

and

Other Material Required by
The City of Tucker

For

A Special Land Use Permit to Allow a Personal Care Home for up to Six (6) People

Pursuant to

City of Tucker Zoning Ordinance

Of

Georgia Clay Properties, LLC.
c/o Battle Law, P.C.

for

0.45+/- Acres of Land
2553 Sandpiper Drive, Atlanta, Georgia 30318
Being Parcel Number 18 256 05 026

Submitted for Applicant by:

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

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002

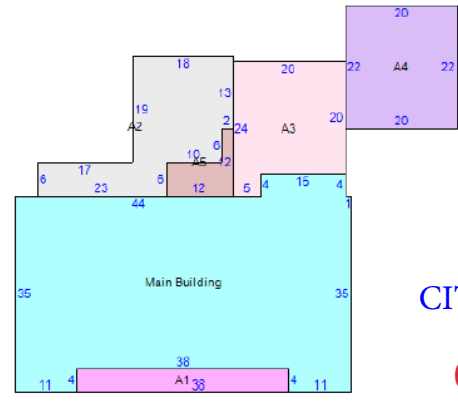
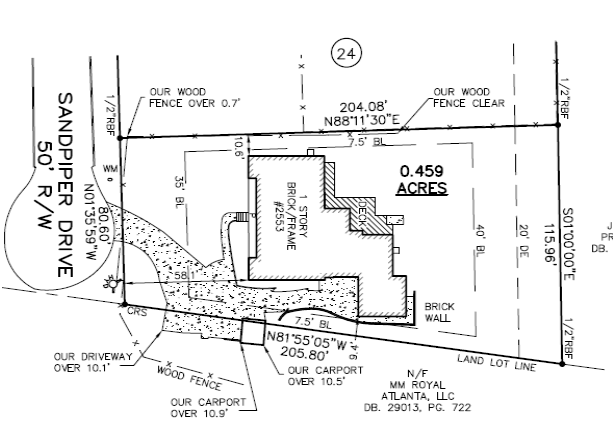


Battle Law

I. LETTER OF INTENT

Georgia Clay Properties, LLC. (the “Applicant”) is requesting a special land use permit for an assisted living home for up to six (6) people within the R-75 zoning district on 0.45 +/- acres of land. The subject property is located at 2553 Sandpiper Drive, Tucker, Ga, and was built in 1973. The Subject Property has been used as a personal care home for up to six (6) people but lost its legal nonconforming status on November 24, 2022, when there was a fire that damaged part of the home. Upon applying to repair the building the City of Tucker notified the Applicant that certain repairs from the damage could not be done without complete compliance with zoning and other city department requirements. The delay in starting services and due to repairs has become a heavy financial burden and a loss of living space for those needing care. To begin operations and help partially alleviate the financial burden, the Applicant amended its 2023 business license to allow a maximum of three (3) person on site to allow construction to commence while the land use petition is pending.

Below you will find outlines of the existing floor plan and aerial views of the subject property.



RECEIVED
CITY OF TUCKER

06/13/2023

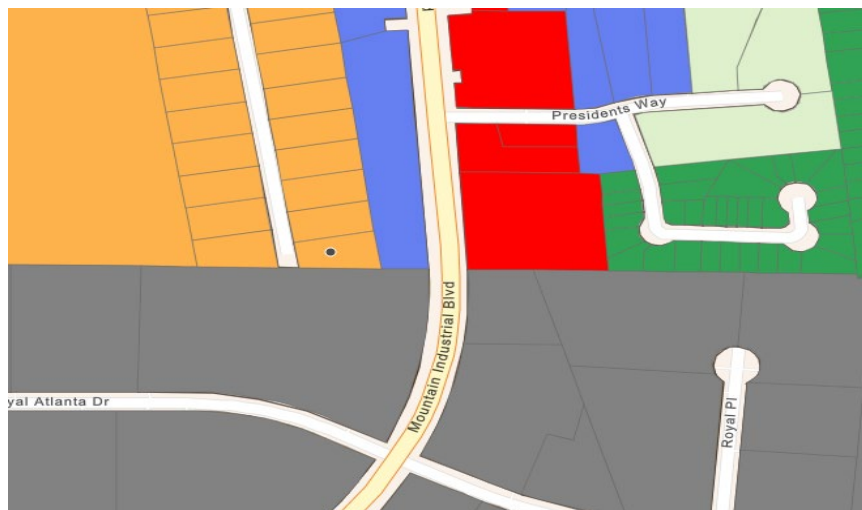
PLANNING & ZONING
DEPARTMENT

This document is submitted as a Statement of Intent with regard to this Application, preservation of the Applicant’s constitutional rights, and an application of the criteria provided in the Steinberg Act to provide a rigorous analysis of the proposed land use application and applicable



Battle Law

petitions alike. A surveyed plat and existing site plan of the Subject Property has been filed contemporaneously with the application, along with other required materials.



II. Review of Sec.46-1594 – Special Land Use Permit Criteria

The following criteria shall be considered by the Planning and Zoning Department, the Planning Commission, and the Mayor and City Council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the Mayor and City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article IV of this chapter:

- 1. Adequacy of the size of the site for the use contemplated and whether adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;**

The proposed request is adequate given the building size will not be increased and the renovations for the property will return the dwelling back to its original state, though the proposed use will be expanded into more area of the home. There is no evidence of increased infrastructure needs or site development beyond the interior renovations.

- 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;**

The proposed use is compatible given that the existing residential lots on Sandpiper Drive are all zoned for residential use and the proposed use is also residential in nature.

- 3. Adequacy of public services, public facilities, and utilities to serve the proposed use;**

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT



Battle Law

The proposed use has all necessary utilities required for the proposed development. The Subject Property is has access to all public services and facilities.

4. **Adequacy of the public street on which the use is proposed to be located and whether or not there insufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;**

The proposed use will not significantly impact internal traffic on the Sandpiper Drive. The existing Driveway shall include adequate parking spaces for any regular function for a single family dwelling. See the attached trip generation report for more details.

5. **Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;**

There existing land uses along Sandpiper Drive will not be adversely affected by the character of the vheicles or the volume of traffic generated by the proposed use. The attached trip generation report states that the proposed use will generate minimal traffic. The only types of vehicles that will travel to and from the home on a regular basis are passenger vehicles similar to those the surrounding property owners drive.

6. **Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;**

There is adequate ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon. The Subject Property is on Sandpiper Drive and can be accessed via Lawrenceville Highway.

7. **Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;**

There are no adverse impacts on the proposed use.

8. **Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;**

All services are conducted inside of the residence which will not cause any adverse effects to the adjacent properties. Hours of operation will not be a factor for the proposed increase and use of an assisted living home.

9. **Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;**

RECEIVED
CITY OF TUCKER

06/13/2023



Battle Law

All services are conducted inside of the residence and will not cause any adverse effects to the adjacent properties.

10. **Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;**

The proposed use is otherwise consistent with the requirements of the zoning classification in which the use is proposed to be located.

11. **Whether or not the proposed use is consistent with the policies of the comprehensive plan;**

The proposed use does not conflict with the existing zoning which is in compliance of the cities Comprehensive Plan.

12. **Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located;**

The proposed use has natural coverage near the rear of the property. There are commercial land uses adjacent to the subject property.

13. **Whether or not there is adequate provision of refuse and service areas;**

Regular trash services are currently provided for the community and property.

14. **Whether the length of time for which the special land use permit is granted should be limited in duration;**

The length of time for which the special land use permit is granted should not be limited in duration. The special land use permit will allow the Applicant to conduct a personal care home for up to six (6) people. If the special land use permit is limited in duration and expires due to that limit, those individuals living in the home will be forced to find other means of care through no fault of their own. It would be better to allow the special land use permit to remain in place.

15. **Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;**

There will be no increase in the size of the building or lot.

16. **Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources;**

RECEIVED
CITY OF TUCKER

06/13/2023



Battle Law

There are no records or indications of any historic, archaeological resources found on the property or near adjacent lots.

17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;

The current home occupations complies with the cities ordinance as currently zoned. The Applicant has all licenses and/or permits required by the State of Georgia to operate. The Applicant will display its state-issued licenses and/or permits in plain view, visible form the front doorway of the facility. However, the Applicant will not display signage in violation of Chapter 34 of the City of Tucker Code of Ordinances.

The Applicant shall provide at least four (4) parking spaces on the Subject Property. The driveway alone is spacious enough to provide the parking required. Lastly, the Applicant will not begin business within one-thousand (1,000) feet of another personal care home.

18. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height;

The facade of the building and structure height shall remain the same for the proposed use and internal renovations.

19. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area;

Home-based business and services are allowed within residential zoned dwellings it is not evident that the proposed use would result proliferation of flux in similar services.

20. Whether the proposed use would be consistent with the needs of the neighborhood or the community's a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan;

The proposed use is consistent with the needs of the neighborhood and the community as whole, providing assistant living services for the City of Tucker and the county.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application's submitted to the City of Tucker to be approved. Any further details requested may be available upon request of the acting agent or applicant on the request.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

RECEIVED
CITY OF TUCKER

06/13/2023



Battle Law

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

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

A refusal by the City of Tucker to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any Rezoning/ 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 allow the proposed special land use permit in question 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.

RECEIVED
CITY OF TUCKER

06/13/2023



Battle Law

A refusal to allow the Special Land Use Application in question would be invalid inasmuch as it would be denied pursuant to an ordinance 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 City an opportunity to revise the Property to a constitutional classification. If action is not taken by the City to rectify this unconstitutional land use designation and/or zoning classification within a reasonable time, the Applicant is hereby placing the City 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.

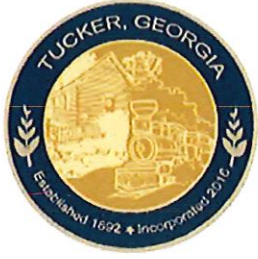
Amended and submitted on the 18th Day of May 2023.

Michele L. Battle
Attorney for the Applicant

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT



City of Tucker

**Planning and
Zoning**

Courtney Smith
Director

March 24, 2022

Albert's House Sandpiper LLC
c/o Duc Le
2553 Sandpiper Drive
Tucker, GA 30084

RE: Zoning Certification of Property Located in Land Lot 256 of the 18th District of DeKalb County, Georgia, 2553 Sandpiper Drive Tucker, Georgia 30084

Via: Email

Mr. Le,

This letter is to certify that the parcel 18 256 05 026 located in Land Lot 256 of the 18th District of DeKalb County, Georgia is zoned R-75 (Residential Medium Lot - 75).

Please be advised that the above in no way implies that the site is suitable or grants permission to physically construct the proposed use. Additional requirements as set forth by the Tucker Zoning Ordinance, Land Development Regulations, conditions of zoning and other applicable codes, as may be required, must be satisfied and are factors that ultimately determine viable land use.

Please contact me at 678.597.9040 if you have any additional questions.

Sincerely,

Jessica Echols
Planner I

RECEIVED
CITY OF TUCKER

06/13/2023

City of Tucker – 1975 Lakeside Parkway Suite 350, Tucker, GA 30084
Phone: 678-597-9040 Fax: 470-719-8229 Website: www.tuckerga.gov

SLUP-23-0002

PLANNING & ZONING
DEPARTMENT

PARID: 18 256 05 026
Tax Dist: 90-TUCKER
GEORGIA CLAY PROPERTIES LLC

2553 SANDPIPER DR

Parcel

Status	ACTIVE
Parcel ID	18 256 05 026
Alt ID	1356521
Address	2553 SANDPIPER DR
Unit	
City	TUCKER
Zip Code	30084-
Neighborhood	0480
Super NBHD	
Class	R3 - RESIDENTIAL LOT
Land Use Code	101-Residential 1 family
Living Units	
Zoning	R75 - SF RES DIST
Appraiser	EDDIE - EDDIE MCKOY (404) 371-7077

Mailing Address

GEORGIA CLAY PROPERTIES LLC
4528 CANDLER LAKE EAST
ATLANTA GA 30319

Current Ownership

Owner	Co-Owner
GEORGIA CLAY PROPERTIES LLC	

File an Appeal to Board of Equalization

2022 [Click Here To File an Appeal Online](#)

Notices of Assessment

Tax Year	Notice Type	Download
2022	Annual Notice\Real	Click Here
2021	Annual Notice	Click Here
2020	Annual Notice	Click Here

Property Tax Information

[Click Here](#) for Property Tax Information

Appraised Values

Tax Year	Class	Land	Building	Total
2022	R3	60,000	282,200	342,200
2021	R3	60,000	202,800	262,800
2020	R3	60,000	208,100	268,100
2019	R3	60,000	198,200	258,200
2018	R3	41,600	134,700	176,300
2017	R3	41,600	155,700	197,300
2016	R3	41,600	145,000	186,600

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002

2015	R3	41,600	137,800	179,400
2014	R3	41,000	87,600	128,600
2013	R3	41,000	87,600	128,600

Assessed Values

Tax Year	Class	Land	Building	Total
2022	R3	24,000	112,880	136,880
2021	R3	24,000	81,120	105,120
2020	R3	24,000	83,240	107,240
2019	R3	24,000	79,280	103,280
2018	R3	16,640	53,880	70,520
2017	R3	16,640	62,280	78,920
2016	R3	16,640	58,000	74,640
2015	R3	16,640	55,120	71,760
2014	R3	16,400	35,040	51,440
2013	R3	16,400	35,040	51,440

Appeals

Tax Year	Hearing Type	Subkey	Original Notice Date	File Date	Appeal Status
2013	Assessment Notice	1	05/28/2013		Time Elapsed
2014	Assessment Notice	1	05/30/2014		Time Elapsed
2015	Assessment Notice	1	05/29/2015		Time Elapsed
2016	Assessment Notice	1	06/03/2016		Time Elapsed
2017	Assessment Notice	1	06/02/2017		Time Elapsed
2018	Assessment Notice	1	06/01/2018		Time Elapsed
2019	Assessment Notice	1	05/31/2019		Time Elapsed
2020	Assessment Notice	1	05/29/2020		Time Elapsed
2021	Assessment Notice	1	06/01/2021		Time Elapsed
2022	Assessment Notice	1	05/27/2022		Time Elapsed

Values

Tax Year	Hearing Type	Subkey	Total FMV
2013	Assessment Notice	1	\$128,600
2014	Assessment Notice	1	\$128,600
2015	Assessment Notice	1	\$179,400
2016	Assessment Notice	1	\$186,600
2017	Assessment Notice	1	\$197,300
2018	Assessment Notice	1	\$176,300
2019	Assessment Notice	1	\$258,200
2020	Assessment Notice	1	\$268,100
2021	Assessment Notice	1	\$262,800
2022	Assessment Notice	1	\$342,200

RECEIVED
CITY OF TUCKER

Notices

Tax Year	Hearing Type	Subkey	Notice Type	Mail Date
2022	Assessment Notice	1	Res Review Form	05/27/2022

06/13/2023

PLANNING & ZONING
DEPARTMENT

Land

SLUP-23-0002

Land Type G - SITE
 Land Code 2 - SITE VALUE
 Square Feet 0
 Calculated Acres 0
 Deeded Acres .5
 Parcel ID 18 256 05 026
 Address 2553 SANDPIPER DR
 Unit
 City TUCKER
 Zip Code 30084-
 Neighborhood 0480
 Class R3 - RESIDENTIAL LOT
 Land Use Code 101-Residential 1 family
 Super NBHD
 Zoning R75 - SF RES DIST

Permits

Permit #	Permit Date	Flag	Permit Type	Amount
134653	05/12/1998	INACTIVE		\$20,000.00
134652	04/01/1992	INACTIVE		\$2,976.00

Residential Structure

Building #	1
Land Class	R3 - RESIDENTIAL LOT
Stories	1
Construction	3 - BRICK & FRAME
Style	02 - RANCH
Living Area	2,512
Quality Grade	020
Condition	AV
Year Built	1973
Remodeled Year	
Effective Year	
Bedrooms	3
Full Baths	4
Half Baths	0
Total Fixtures	14
Fireplaces	1
AC	4 - CENTRAL WITH A/C
Basement	1 - SEE ADDITIONS
Unfinished Area	
Finished Basement Living Area	
Functional Obsolescence	
Economic Obsolescence	
% Complete	100

Additions

Addition Number	Description	Area
0	---	2,008
1	-OPEN PORCH--	152
2	-WOOD DECK--	468
3	-ADD FRAME FULL STORY AFO/AFT--	420
4	-GAR FR 1 STORY--	440

RECEIVED
CITY OF TUCKER

06/13/2023

 PLANNING & ZONING
 DEPARTMENT

SLUP-23-0002

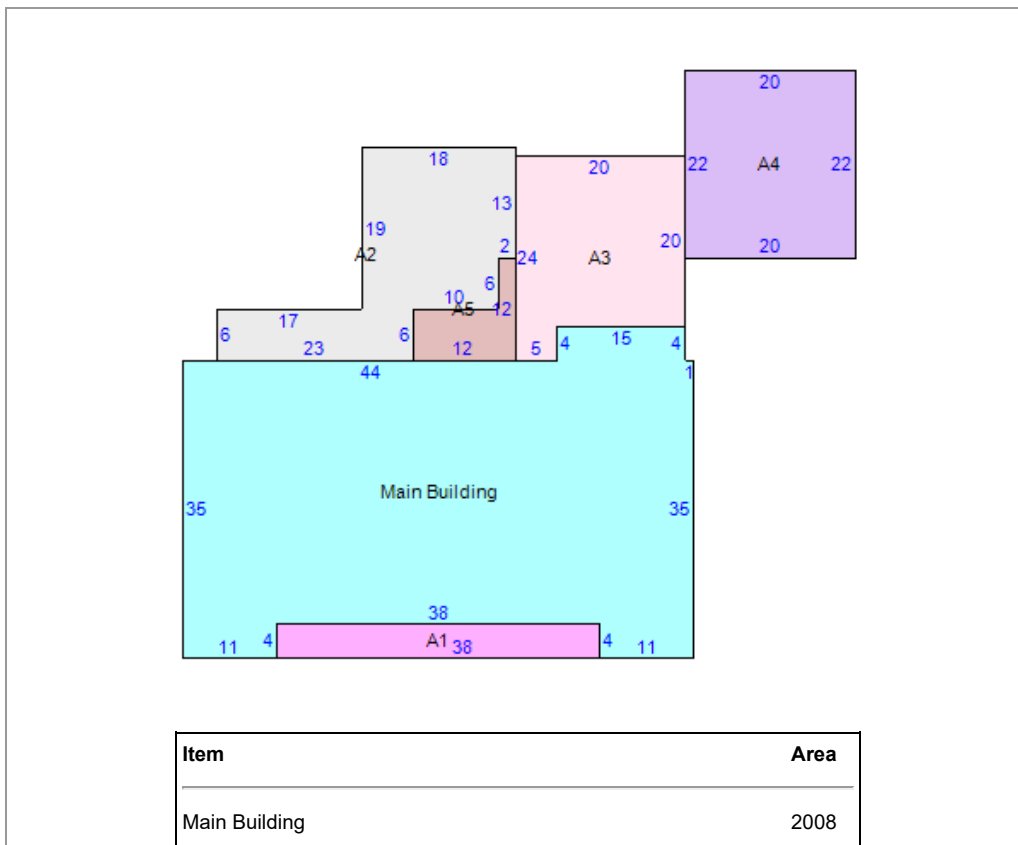
Sales

Sale Date	Price	Tran Code	Grantor	Grantee	Instrument	Book / Page
12/22/2021	400,000	OL - Outlier	ROSEWALD CONSORTIUM LLC	GEORGIA CLAY PROPERTIES LLC	WD - WARRANTY DEED	30003 / 00337
05/26/2005	564,000	I - Transitional Zoning or Use	AVONDALE HEALTH SERVICES INC	ROSEWALD CONSORTIUM LLC	WD - WARRANTY DEED	17487 / 00021
04/28/1999	0	H - Sales from Bank	WACHOVIA BANK NA	AVONDALE HEALTH SERVICES INC	QC - QUIT CLAIM DEED	10694 / 00202
04/24/1998	1,000	Q - Quit Claim Deed	GOULD CHARLES WILLIAM GOULD JR	AVONDALE HEALTH SERVICES INC	QC - QUIT CLAIM DEED	09997 / 00200
04/24/1998	126,900	0 - Valid Sale FMV	WHITE NANCY SUSAN	AVONDALE HEALTH SERVICES INC	WD - WARRANTY DEED	09971 / 00158
04/29/1991	0	5 - Old Code No Longer Used	GOULD CHARLES WILLIAM JR	GOULD NANCY SUSAN	WD - WARRANTY DEED	06942 / 00243
05/22/1974	0	0 - Valid Sale FMV			WD - WARRANTY DEED	03184 / 00066

Sale Details

1 of 7

Sale Date	12/22/2021
Price	\$400,000
Deed Book	30003
Deed Page	00337
Plat Book	
Plat Page	
Buyer 1	GEORGIA CLAY PROPERTIES LLC
Buyer 2	
Seller 1	ROSEWALD CONSORTIUM LLC
Seller 2	



RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002

A1 - 84:OPEN PORCH	152
A2 - 57:WOOD DECK	468
A3 - 10A:ADD FRAME FULL STORY AFO/AFT	420
A4 - 74:GAR FR 1 STORY	440
A5 - 10A:ADD FRAME FULL STORY AFO/AFT	84

SLUP-23-0002

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

TRIP GENERATION REPORT

55 Millard Farmer Ind. Blvd.
Newnan, GA 30263
678.423.0050
www.lumin8.com

Subject: Sandpiper Drive Senior Living
Location: Dekalb County, GA
Date: 5/10/2023
To: Michèle L. Battle, Esq.
From: Chris Stewart, PE

This report includes a trip generation analysis for the proposed personal care home on Sandpiper Drive in the City of Tucker in Dekalb County, Georgia. Figure 1 illustrates the site location.

Figure 1: STUDY AREA



RECEIVED
CITY OF TUCKER

06/13/2023

Proposed Development

The proposed development is a personal care home that will service up to six seniors that do not have personal vehicles. Trips will be generated by staff and visitors. The development is located at 2553 Sandpiper Drive, which has a single point of access onto Lawrenceville Highway (SR 8/US 29).

Using this information, a trip generation was performed for the development.

Trip Generation

The trips generated by the proposed residential development were estimated using trip generation rates found in ITE’s publication Trip Generation, 11th Edition. The trip generation publication contains multiple associated trip rates for each of the uses listed. The rate that resulted in the larger trip generation was used for this study.

The weekday AM and PM Peak Hour trip generation estimates correspond to the peak hour of the adjacent street. The trip generation data is provided in Appendix A. Table 1 summarizes the trip generation.

Table 1: TRIP GENERATION

ITE CODE	LAND USE DESCRIPTION	SIZE	DAILY TRIPS	AM PEAK HOUR			PM PEAK HOUR		
				ENTER	EXIT	TOTAL	ENTER	EXIT	TOTAL
254	Assisted Living	6 Beds	16	1	1	0	1	1	0
TOTAL GENERATED TRIPS			16	1	1	0	1	0	0

Conclusions

According to the Trip Generation analysis, the proposed personal care home development is expected to produce:

- 16 Daily trips (8 entering, 8 exiting)
- 1 AM Peak Hour trips (1 entering, 0 exiting)
- 1 PM Peak Hour trips (1 entering, 0 exiting)

APPENDIX A

TRIP GENERATION REPORTS



RECEIVED
CITY OF TUCKER

06/13/2023

Query Filter

DATA SOURCE:
 Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:
 254

LAND USE GROUP:
 (200-299) Residential

LAND USE :
 254 - Assisted Living

LAND USE SUBCATEGORY:
 All Sites

SETTING/LOCATION:
 General Urban/Suburban

INDEPENDENT VARIABLE (IV):
 Beds

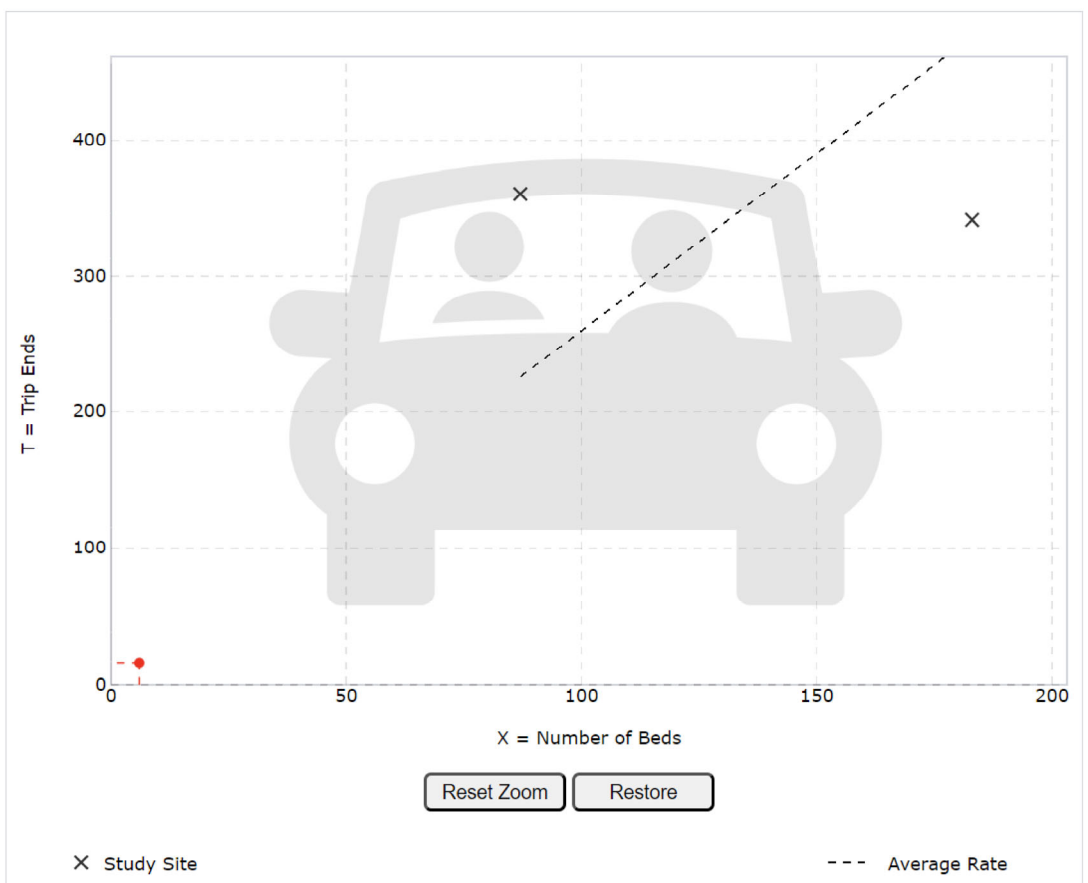
TIME PERIOD:
 Weekday

TRIP TYPE:
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:
 6 Calculate

Data Plot and Equation

Caution – Small Sample Size



DATA STATISTICS	
Land Use:	Assisted Living (254) Click for Description and Data Plots
Independent Variable:	Beds
Time Period:	Weekday
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	2
Avg. Num. of Beds:	135
Average Rate:	2.60
Range of Rates:	1.86 - 4.14
Standard Deviation:	****
Fitted Curve Equation:	Not Given
R²:	****
Directional Distribution:	50% entering, 50% exiting
Calculated Trip Ends:	Average Rate: 16 (Total), 8 (Entry), 8 (Exit)

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

Query Filter

DATA SOURCE:
 Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:

LAND USE GROUP:
 (200-299) Residential

LAND USE :
 254 - Assisted Living

LAND USE SUBCATEGORY:
 All Sites

SETTING/LOCATION:
 General Urban/Suburban

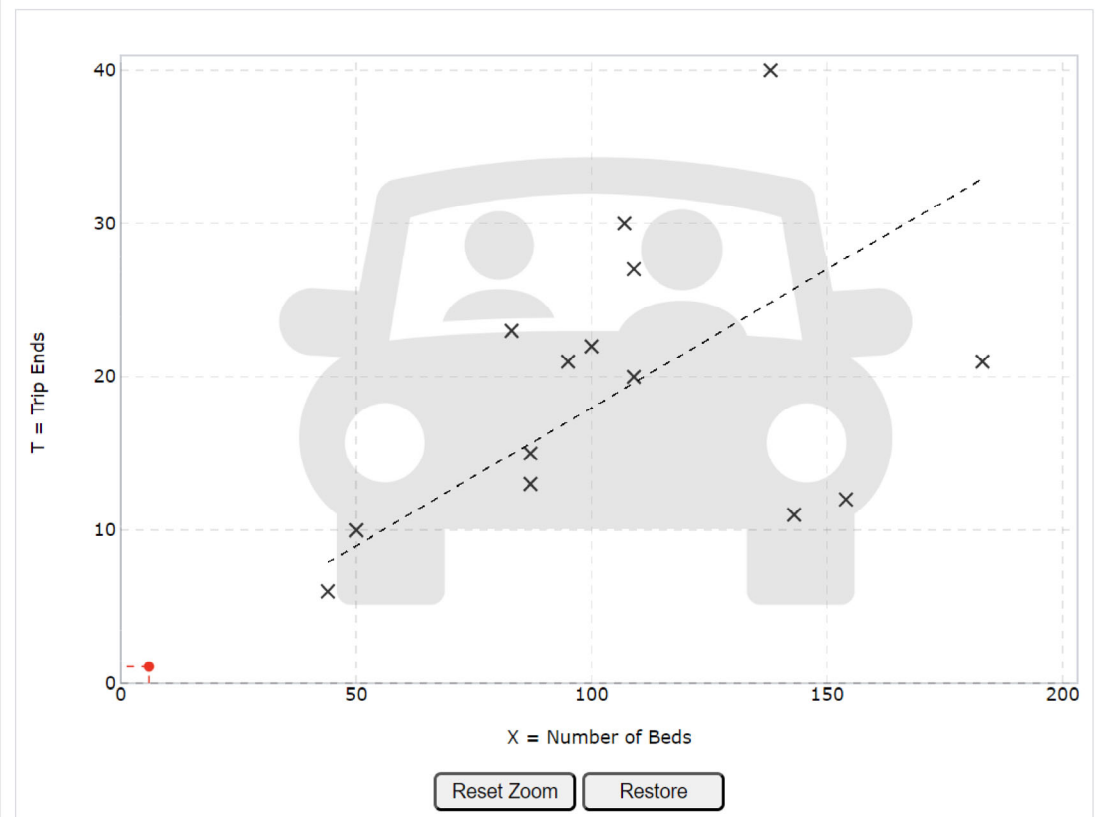
INDEPENDENT VARIABLE (IV):
 Beds

TIME PERIOD:
 Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

Data Plot and Equation



DATA STATISTICS

Land Use:	Assisted Living (254) Click for Description and Data Plots
Independent Variable:	Beds
Time Period:	Weekday Peak Hour of Adjacent Street Traffic One Hour Between 7 and 9 a.m.
Setting/Location:	General Urban/Suburban
Trip Type:	Vehicle
Number of Studies:	14
Avg. Num. of Beds:	106
Average Rate:	0.18
Range of Rates:	0.08 - 0.29
Standard Deviation:	0.08
Fitted Curve Equation:	Not Given
R²:	****
Directional Distribution:	60% entering, 40% exiting
Calculated Trip Ends:	Average Rate: 1 (Total), 1 (Entry), 0 (Exit)

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

Query Filter

DATA SOURCE:
 Trip Generation Manual, 11th Ed

SEARCH BY LAND USE CODE:

LAND USE GROUP:
 (200-299) Residential

LAND USE :
 254 - Assisted Living

LAND USE SUBCATEGORY:
 All Sites

SETTING/LOCATION:
 General Urban/Suburban

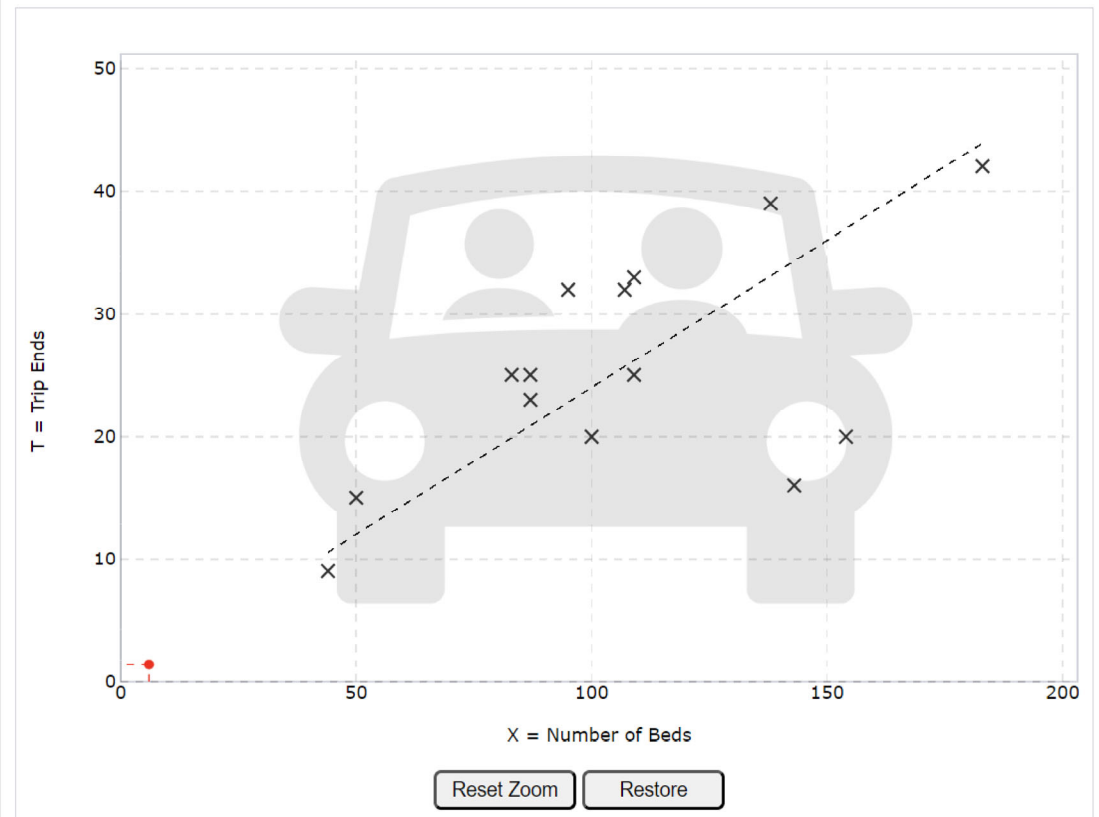
INDEPENDENT VARIABLE (IV):
 Beds

TIME PERIOD:
 Weekday, Peak Hour of Adjacent Street Traffic

TRIP TYPE:
 Vehicle

ENTER IV VALUE TO CALCULATE TRIPS:

Data Plot and Equation



X Study Site - - - Average Rate

DATA STATISTICS

Land Use:
 Assisted Living (254) [Click for Description and Data Plots](#)

Independent Variable:
 Beds

Time Period:
 Weekday
 Peak Hour of Adjacent Street Traffic
 One Hour Between 4 and 6 p.m.

Setting/Location:
 General Urban/Suburban

Trip Type:
 Vehicle

Number of Studies:
 14

Avg. Num. of Beds:
 106

Average Rate:
 0.24

Range of Rates:
 0.11 - 0.34

Standard Deviation:
 0.07

Fitted Curve Equation:
 Not Given

R²:

Directional Distribution:
 39% entering, 61% exiting

Calculated Trip Ends:
 Average Rate: 1 (Total), 1 (Entry), 0 (Exit)

RECEIVED
 CITY OF TUCKER

06/13/2023

PLANNING & ZONING
 DEPARTMENT

WARRANTY DEED

William H. Arroyo
Attorney At Law
4228 First Ave Ste 10
Tucker, GA 30084

PARCEL ID #18-256-05-026

STATE OF GEORGIA

COUNTY OF DEKALB

THIS INDENTURE, made this 22nd day of December in the year of our Lord Two Thousand Twenty-One, Between

ROSEWALD CONSORTIUM, LLC

of the State of Georgia and County of DeKalb of the first part, and

GEORGIA CLAY PROPERTIES, LLC

of the State of Georgia and County of DeKalb of the second part.

WITNESSETH: That the said Party of the first part, for and in consideration of the sum of OTHER VALUABLE CONSIDERATION AND TEN AND 00/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does grant, bargain, sell and convey unto the said Party of the second part, its successors and assigns,

All that tract or parcel of land lying and being in Land Lot 256 of the 18th District of DeKalb County, Georgia, and being more particularly described in EXHIBIT A, attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit, and behoof of the said Party of the second part, its successors and assigns forever IN FEE SIMPLE.

And the said Party of the first part, for itself, its successors and assigns, will warrant and forever defend the right and title to the above-described property unto the said Party of the second part, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, that the said Party of the first part has hereunto set its hand and affixed its seal, the day and year above written.

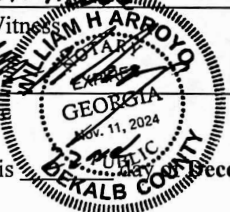
Signed, sealed, and delivered in the presence of:

ROSEWALD CONSORTIUM, LLC

Unofficial Witness

By Trevor A. Waldemar (SEAL)
TREVOR A. WALDEMAR, Manager

Notary Public



Notarized this 22nd day of December, 2021.

RECEIVED
CITY OF TUCKER
06/13/2023
PLANNING & ZONING
DEPARTMENT

SLUP-23-0002

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 256 of the 18th District of DeKalb County, Georgia, being Lot 25, Block A, Windwood East Subdivision, as per plat recorded in Plat Book 61, Page 107, DeKalb County, Georgia Records, and revised in Plat Book 63, Page 35, aforesaid records; which plat is hereby referred to and by reference made a part of this description; being improved property, having a house thereon known as No. 2553 Sandpiper Drive, Tucker, according to the present system of numbering houses in DeKalb County, Georgia; and more particularly shown on survey prepared by A.S. Giometti, L.S., dated May 9, 1974.

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002



CITY OF TUCKER
BUSINESS LICENSE
OCCUPATIONAL TAX CERTIFICATE
1975 LAKESIDE PKWY., STE. 350
TUCKER, GA 30084

2022

LICENSE STATUS: Issued
DATE ISSUED: 03/22/2022
DATE EXPIRES: 12/31/2022

LICENSE NUMBER: 2022-4556
LEGAL BUSINESS NAME: ALBERT'S HOUSE SANDPIPER LLC
DBA NAME: ALBERT'S HOUSE SANDPIPER LLC
LICENSEE: DUC LE
BUSINESS LOCATION: 2553 SANDPIPER DR
NAICS DESCRIPTION: Other Residential Care Facilities

DISPLAY THIS CERTIFICATE FOR PUBLIC VIEW

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002



City of Tucker Route Sheet for DeKalb County Review

City of Tucker Permit Number: _____

DeKalb County AP # (provided by DeKalb): _____

Project Name: _____

Site Address: _____

Applicant/Contact Person _____

Contact Phone: _____ Email: _____

Please route the plans for review by:

_____ DeKalb County Department of Watershed Management (2 sets) (FOG, Backflow, Watershed, Fire line)

_____ DeKalb County GIS (1 set)

_____ DeKalb County Fire Marshal (3 sets)

_____ DeKalb County Health Department

This review is for verification of code compliance only and shall not be construed as permission to perform any construction or alterations (except cosmetic change).

ken miller _____

Permit Technician, City of Tucker

Date

**Applicant to submit all sets of plans to: DeKalb County Department of Planning and Sustainability
178 Sams Street Decatur, GA 30030
404-371-2155 Option 3**

I hereby certify that I understand that it is my responsibility to submit the required documents for the review listed above. I agree to exonerate, indemnify, and save harmless the City of Tucker from and against all claims or actions and expenses incidental to the defense of any such claim, litigation, and action, based upon or arising out of damage or injury (including death) to person or property caused by or sustained in connection with any review or proposed work.

Signature of Applicant

Date

RECEIVED
CITY OF TUCKER

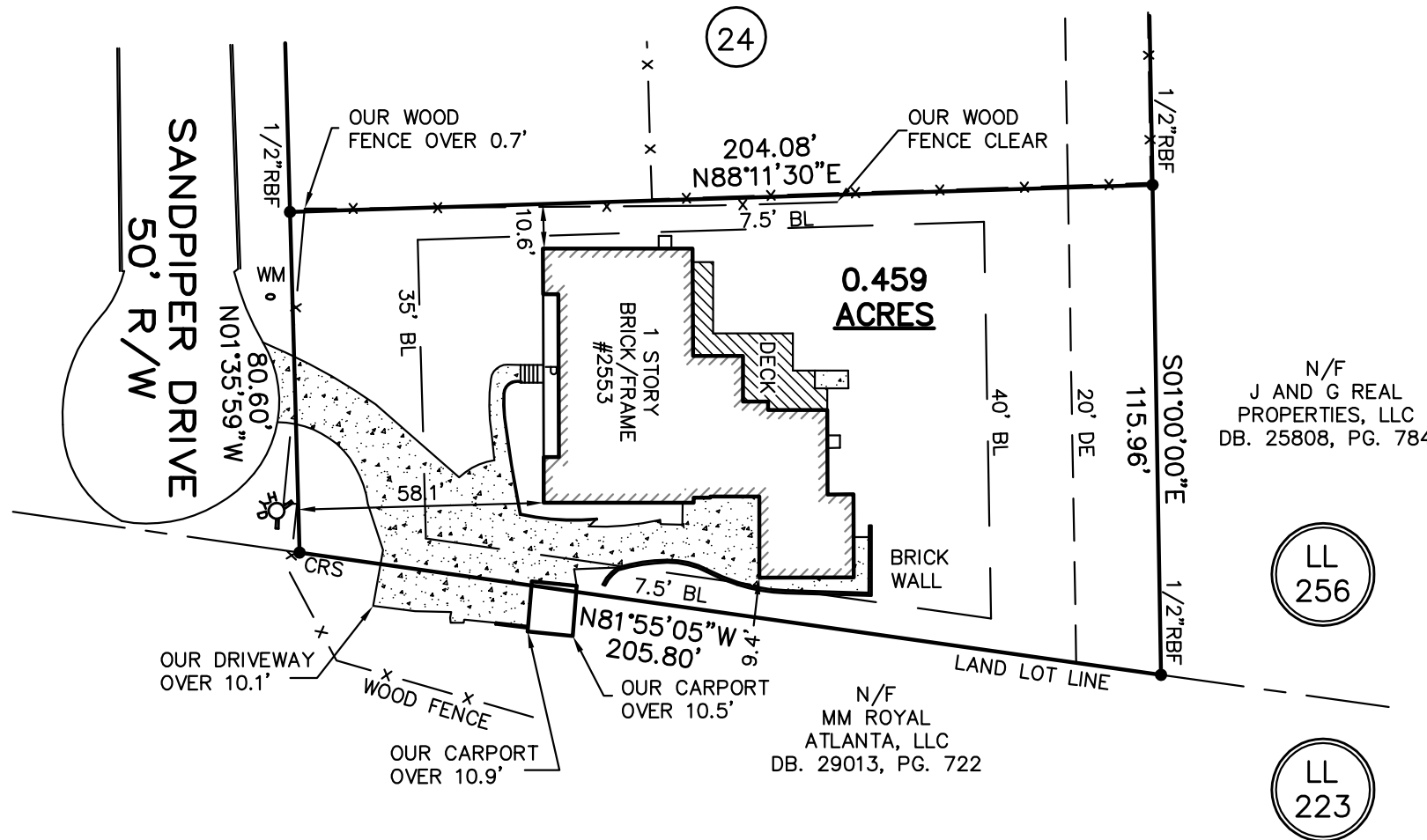
06/13/2023

Applicant must submit all sets of plans, stamped as approved by DeKalb County departments as required above, along with the signed routing sheet, to the City of Tucker for plan review and permitting.

PLANNING & ZONING
DEPARTMENT

LEGEND

- RBF REBAR FOUND (1/2" REBAR)
- CRS CAPPED REBAR SET (1/2" REBAR)
- CRBF CAPPED REBAR FOUND
- OTF OPEN TOP FOUND
- CTF CRIMP TOP FOUND
- ☆ LIGHT POLE
- BL BUILDING LINE
- C.L.F CHAIN LINK FENCE
- R/W RIGHT-OF-WAY
- TPED PHONE PEDASTAL
- CATV CABLE BOX
- WM WATER METER
- PB TRANSFORMER
- U/E UTILITY EASEMENT
- (12.34'D) DEED DISTANCE
- 12.34'(M) MEASURED DISTANCE
- DE DRAINAGE EASEMENT
- SSE SEWER EASEMENT
- AE ACCESS EASEMENT
- HW HEADWALL
- JB JUNCTION BOX
- CB CATCH BASIN
- YI YARD INLET
- P PORCH
- C/P CARPORT
- YI YARD INLET
- ST STORAGE ROOM
- OHP- OVERHEAD POWER
- AGL- ATLANTA GAS LINE



GENERAL NOTES

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE BY LATITUDES AND DEPARTURES AND IS FOUND ACCURATE TO WITHIN ONE FOOT IN 152,459 FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000± FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

A NIKON - TOTAL STATION WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM HOUSE OR STRUCTURE.

CERTIFICATION IS MADE TO PERSON(S) NAMED ON THIS PLAT AND IS NOT TRANSFERABLE TO OTHERS.

UTILITIES SHOWN ARE LOCATIONS OF GROUND IDENTIFIABLE ITEMS. ADDITIONAL UTILITES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED

FLOOD NOTE:

BASED ON GRAPHIC DETERMINATION, THIS PROPERTY DOES NOT LIE WITHIN A FEMA/FIRM SPECIAL FLOOD HAZARD AREA PER COMMUNITY PANEL NO. 13089C0077L DATED 8/15/19.

RECEIVED
CITY OF TUCKER

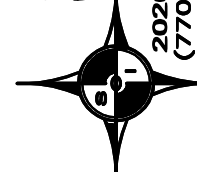
06/13/2023

PLANNING & ZONING
DEPARTMENT



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

SCI Development Services



ENGINEERS - SURVEYORS - LAND PLANNERS
2020 WESTSIDE COURT-STE E-SNELLVILLE GEORGIA 30078
(770) 736-7666 FAX (770) 736-4623
MAIL@SURVEYCONCEPTS.NET

PROJECT: 56052
DWG BY: DCP
CHKD BY: JAS
DATE: 3/30/23
SCALE: 1"=40'

SURVEY FOR:
GEORGIA CLAY PROPERTIES

LOT 25 BLOCK "A"
SUBDIVISION: WINDWOOD EAST
LAND LOT 256 18th DISTRICT
CITY OF TUCKER
DEKALB COUNTY, GEORGIA
REFERENCED IN PLAT BOOK 63, PAGE 35

NOTE: THE PUBLIC RECORDS REFERENCED HEREON REFLECT ONLY THOSE RECORDS NECESSARY TO ESTABLISH THE BOUNDARIES SHOWN HEREON, AND REFERENCE TO THE SAME DOES NOT AND IS NOT INTENDED TO CONSTITUTE A TITLE SEARCH OR OPINION. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

SLUP-23-0002

SCOPE OF WORK

1. MAKE GARAGE INTO DEN
2. REMOVE WALL IN BEDROOM 4
3. ADD WALL FOR RAMP TO DEN IN BEDROOM 4
4. CHANGE ALL DOORS AND TRIM
5. REPLACE ALL BATHROOM TILE AND SHOWER VALVES
6. INSULATE NEW DEN
7. ADD MINI SPLIT HVAC IN DEN
8. REPLACE DEN WINDOWS
9. REMOVE DOOR AT GARAGE AND REPLACE WITH WINDOW
10. SHEETROCK OVER STIPPLE CEILINGS
11. ADD OUTLETS TO DEN AND BEDROOM 4 PER CODE
12. ADD EXTERIOR RAMP AT DEN/ PROVIDE RAILING
13. REPLACE ALL FLOOR COVERINGS
14. PAINT EXTERIOR AND INTERIORS
15. REMOVE BATHROOM DOOR AT BATH 3

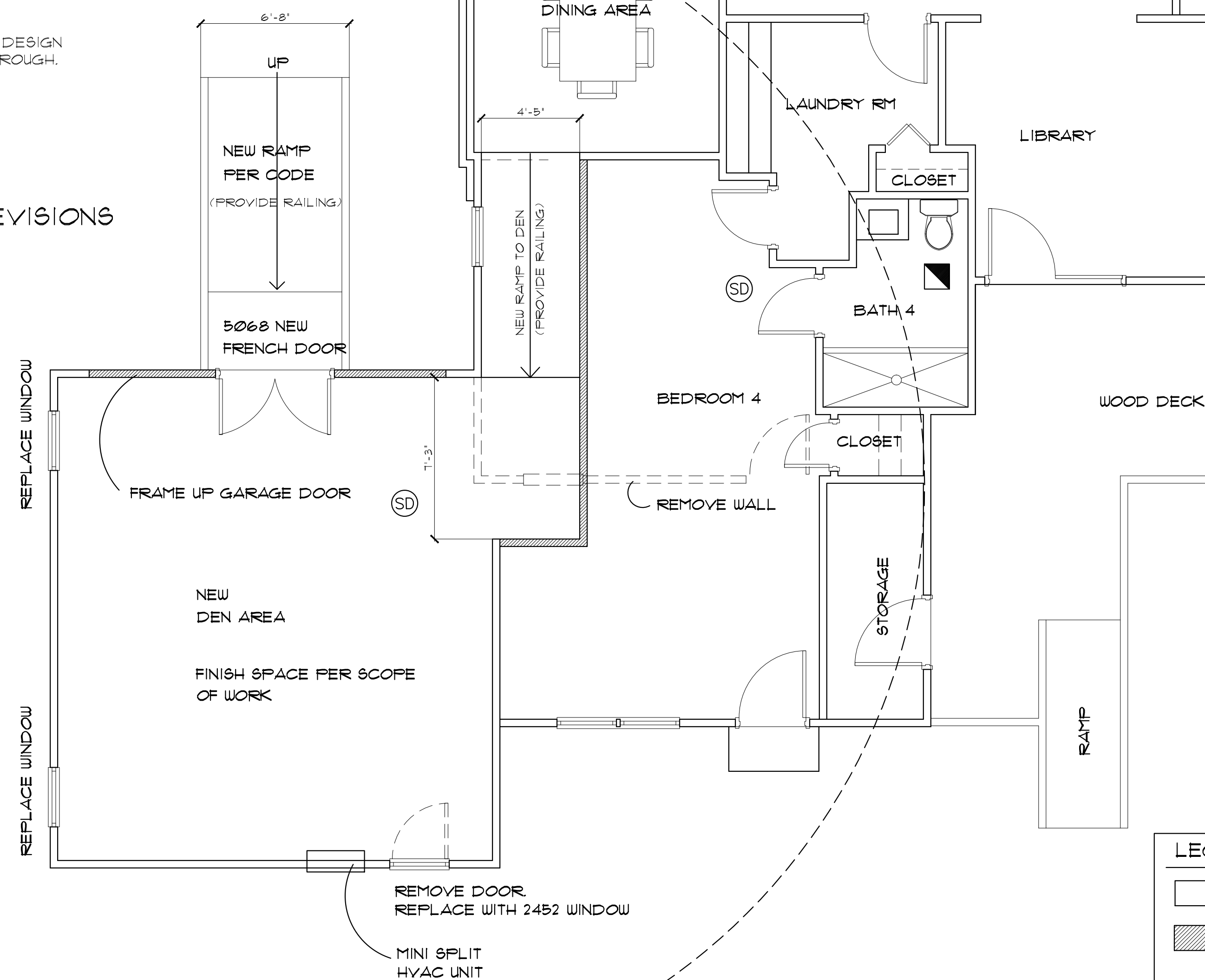
DECK NOTES:

ALL DECK AND HANDRAIL MATERIAL TO BE PRESSURE TREATED OR NATURAL RESISTANCE TO DECAY

HAND RAILS/GUARDRAILS TO RESIST A SINGLE CONCENTRATED LOAD OF 200 * APPLIED IN ANY DIRECTION AT ANY POINT AT TOP.

GUARDRAILS TO BE MINIMUM 36" HIGH. BALLUSTER DESIGN OPENINGS TO NOT ALLOW A 4" SPHERE TO PASS THROUGH. BOTTOM WOOD MEMBER TO BE 2" FROM DECK. (RAILINGS 30" HIGH IF GRADE IS LESS THAN 30')

AREA OF REVISIONS



- ◼ INSTALL PER IRC R314 AND R315 WITH GA AMENDMENTS. PROVIDE MECHANICAL EXHAUST FAN/LIGHT PER R303.3
- ⊙ CM IRC 314 and R315 with Georgia amendments. WIRED DIRECTLY CARBON MONOXIDE DETECTOR AND SMOKE DETECTOR PER R313
- ⊙ SD WIRED DIRECTLY SMOKE DETECTOR PER R313 IRC 314 and R315 with Georgia amendments.

NOTE: 8' WALL HEIGHT TYPICAL

PROPOSED FIRST FLOOR PLAN

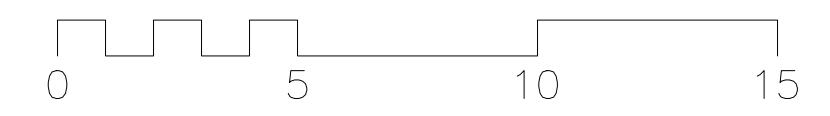
SCALE: 1/4" = 1'-0"

PROPOSED AREA

EXIST. FINISHED SPACE: 2,761 SF
 NEW FINISHED SPACE: 444 SF
 TOTAL FINISHED SPACE: 3,205 SF

LEGEND

- ◻ EXISTING WALLS
- ▨ NEW 2x4 FRAMED WALLS
- - - WALLS TO REMOVE



RECEIVED
 CITY OF TUCKER
 06/13/2023
 PLANNING & ZONING
 DEPARTMENT

RELEASED FOR CONSTRUCTION

4M CONTRACTING
 678-300-2843

REVISIONS TO:
 2553 SANDPIPER DRIVE
 TUCKER, GA

PROJECT 2217

SUBMITTALS	DATES
PERMIT SET	1/5/23

DRAWING TITLE
 PROPOSED FLOOR PLAN

DRAWING REFERENCE

A-2



RECEIVED
CITY OF TUCKER
06/13/2023
PLANNING & ZONING
DEPARTMENT



RECEIVED
CITY OF TUCKER
06/13/2023
PLANNING & ZONING
DEPARTMENT

SLUP-23-002



RECEIVED
CITY OF TUCKER
06/13/2023
PLANNING & ZONING
DEPARTMENT

SLUP-23-0002



RECEIVED
CITY OF TUCKER
06/13/2023
PLANNING & ZONING
DEPARTMENT

SLUP-23-0002



Battle Law

Dear Neighbors of 2553 Sandpiper Drive,

Georgia Clay Properties LLC is interested in developing a personal care home for seniors. This request requires a SLUP because it is in a residential area.

We provide an alternative option for full-service elder care.

Designed with a focus on meeting the specific needs of individuals with dementia and/or high levels of care, our homes are self-sustaining units in private, residential settings. Our comprehensive holistic approach to individual care is a mindful shift from the one-size-fits-all model.

The first step in the process is to hold a Public Participation (neighborhood) meeting with the community to discuss our proposal with you and receive feedback. This meeting is required before we can submit our application for a SLUP to the city. You are receiving this letter as you own property within 500' of our project. We hope you will be able to meet with us at the

following time:

Meeting Date/Time: May 5th at 5:00 pm

Meeting Location: 2553 Sandpiper Drive

We've included a site plan of our current proposal which we look forward to discussing with you and getting feedback on May 5th. If you are unable to attend or wish to reach out beforehand, we can be reached at jnb@battlelawpc.com or 404-601-7616 ex.8

A flyer outlining the land use petition process in the city of Tucker is also included. Questions relating to city matters can be addressed to info@tuckerga.gov.

Sincerely,

Georgia Clay Properties, LLC c/o Battle Law P.C

3562 Habersham at Northlake • Building J, Suite 100 • Tucker, Georgia 30084 • Ph: 404.601.7616

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

L D HART PROPERTIES LLC
4916 North Royal Atlanta Drive
Tucker, GA 30084

FLOURNOY VALENCIA
2593 Sandpiper Drive
Tucker, GA 30084

GEORGIA POWER CO
2825 Mountain Industrial Boulevard
Tucker, GA 30084

BLUE RENTALS LLC
2560 Sandpiper Drive Tucker
Tucker, GA 30084

GEORGIA CLAY PROPERTIES LLC
2553 Sandpiper Drive Tucker
Tucker, GA 30084

TUCKER CITY OF
4877 Lawrenceville Highway
Tucker, GA 30084

CONLEY PATRICK R
2600 Sandpiper Drive
Tucker, GA 30084

SARUBBI JARED
2569 Sandpiper Drive
Tucker, GA 30084

ELDON PROPERTIES LLC
4840 North Royal Atlanta Drive
Tucker, GA 30084

ATLANTA SMSA LTD PARTNERSHIP
2791 Mountain Industrial Boulevard
Tucker, GA 30084

WATSON REBECCA J
2576 Sandpiper Drive
Tucker, GA 30084

MILLS JEFFREY L
2568 Sandpiper Drive
Tucker, GA 30084

SUMMERLIN MANA AND SPIRITS INC
2845 Mountain Industrial Boulevard
Tucker, GA 30084

DOLLAR JEFF E
2592 Sandpiper Drive
Tucker, GA 30084

ATL REAL HOLDINGS LLC
2577 Sandpiper Drive
Tucker, GA 30084

LUCIUS LONNIE J III
2561 Sandpiper Drive
Tucker, GA 30084

J AND G REAL PROPERTIES LLC
2831 Mountain Industrial Boulevard
Tucker, GA 30084

MM ROYAL ATLANTA LLC
4874 North Royal Atlanta Drive
Tucker, GA 30084

AGNE BRIAN L
2584 Sandpiper Drive
Tucker, GA 30084

CRANE JOHN F
2585 Sandpiper Drive
Tucker, GA 30084

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002



City of Tucker

Public Participation Plan Report Project Name:

Contact Name: Jordan Battle

Meeting Date: 5/5/2023

Meeting Location: 2553 Sandpiper Drive

Meeting Start Time: 5pm

Meeting End Time: 6pm

Number of people in attendance: 0

Date of Filing of Land Use Petition Application: 5/8/2023

General Introduction: please include information about who you reached out to for the meeting, communication outreach methods (letters, facebook, emails, etc), what you were proposing at the time of the neighborhood meeting, the meeting format (ppt, q&a, display boards, etc), and who attended the meeting on behalf of the applicant (engineers, attorney, developer, property owner, etc). Additional information that you feel is important to include is welcomed.

Summary of concerns and issues raised at the meeting: (please list and respond to each one individually; include as many items that were discussed).

1. List question/concern/comment/request for changes to the proposed plans

Applicant Response:

2. List question/concern/comment/request for changes to the proposed plans

Applicant Response:

The following must be submitted at time of application submittal:

- o Copy of the letter that was mailed to neighbors
- o Copy of address list for mailing

RECEIVED
CITY OF TUCKER

06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002



Battle Law

On May 5th, 2023, we held a community meeting for the surrounding property owners of the subject property 2553 Sandpiper Drive. We alerted the surrounding property owners via mail notices and also posted signs on the subject property and at the top of the neighborhood. No one showed up for the meeting, but we stayed during the whole-time frame that was advertised. Senior Attorney Michele Battle and Paralegal Jordan Battle were present on behalf of the client Georgia Clay Properties, LLC.

RECEIVED
CITY OF TUCKER

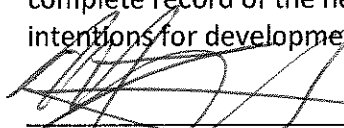
06/13/2023

PLANNING & ZONING
DEPARTMENT

SLUP-23-0002


- o Meeting sign-in sheet
- o Meeting minutes
- o Copy of the plan that was presented at the neighborhood meeting

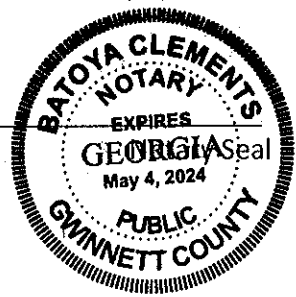
I, the undersigned, as the applicant or an authorized representative of the applicant do solemnly swear and attest that the information provided is true and accurate. I have included a complete record of the neighborhood meeting, as well as an honest response regarding the intentions for development.


 _____ 5/18/2023
 Signature of Applicant or Authorized Representative Date

Michele L Battle 5/18/2023

 Type or Print Name of Applicant or Authorized Representative Date


 _____ 5/18/2023
 Signature of Notary Date



RECEIVED
 CITY OF TUCKER

06/13/2023

PLANNING & ZONING
 DEPARTMENT

