



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

**(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)**

**Planning Commission Hearing Date: July 8, 2021**  
**Board of Commissioners Hearing Date: July 29, 2021**

**STAFF ANALYSIS**

*Revised 7/19/21*

**Case No.:** Z-21-1244892 **Agenda #:** N3

**Location/Address:** 5035 Flakes Mill Road, Ellenwood, GA **Commission District:** 3 **Super District:** 7

**Parcel ID(s):** 12-253-03-002

**Request:** To rezone property from R-100 (Residential Medium Lot – 100) to R-75 (Residential Medium Lot – 75) to develop a 52-unit single-family residential subdivision. (Revised from an application to rezone from R-100 to R-60 (Residential Small Lot – 60) to develop 76 units.)

**Property Owner(s):** Ellaway D. Amiker, III

**Applicant/Agent:** Neville Allison, The Revive Land Group

**Acreage:** 27.31

**Existing Land Use:** Vacant, wooded.

**Surrounding Properties:** Surrounding properties in all directions are zoned R-100 and are occupied by single-family, detached homes.

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

<b>Proposed Density:</b> 1.90 units/acre	<b>Existing Density:</b> N.A.
<b>Proposed Units:</b> 52 (Revised from 76)	<b>Existing Units:</b> None
<b>Proposed Lot Coverage:</b> each single-family lot must not exceed 35%.	<b>Existing Lot Coverage:</b> N.A.

**Zoning History:** Based on DeKalb County records, it appears that the R-100 zoning of the property has not changed since adoption of the first *Zoning Ordinance* and map in 1956.

**SITE AND PROJECT ANALYSIS**

The subject property is a 27.31-acre property located in the 12<sup>th</sup> land district, which is the southernmost part of DeKalb County. The property is undeveloped and wooded. A branch of the South River forms the northern boundary line of the property.

The property is located in an area of the County that is exclusively zoned R-100. To put the amount of R-100 zoning in perspective, all four of the County’s land lots in the 12<sup>th</sup> district, an area of 789 acres, are zoned R-100. The oldest lots in the R-100 district are leftover pieces of former farms and can measure up to 13 acres. Lot sizes in nearby subdivisions vary. The older subdivisions (Tara Woods and Tara Estates) have average lot sizes that far exceed the R-100 minimum, as does one of the newer subdivisions, Holly Hill. Lot sizes in two of the nearest subdivisions are smaller than the 15,000 square feet minimum lot size for R-100. They were platted as “conservation subdivisions”, a mechanism that allowed the same lot yield, at smaller lot sizes, for a property with stream buffers or other environmental features as that which would result on the same size lot with no environmental feature. This mechanism was discontinued in 2010 when the County moved away from the idea that developers should be compensated with smaller lot sizes for the presence of environmental features that could just as easily have been excluded from the development site at the outset.

The chart below shows a comparison of lot sizes in the nearby subdivisions.

Name	Location	Average Lot Size	Development Dates
Tara Woods and Tara Estates	Adjoining to the west	20,037 sq. ft.	1973 - 1994
Rock Hill Springs	Approx. .2 miles to the northeast	8,881 sq. ft.	2001 - 2004
Holly Hill	Approx. 1.5 miles. to the north	22,651 sq. ft.	2005
Legacy Mill	Adjoining to the northwest	13,412 sq. ft.	2007 - 2008
Whispering Meadows	Approx. 80 ft. to the south	20,157 sq. ft.	Currently in land development phase

The applicant initially sent a proposal is for a 76-lot, single-family, residential subdivision with three pocket parks. After the Community Council meeting, the applicant explored the possibility of changing the rezoning request to R-75 and submitted a site plan showing 52 lots, three pocket parks with recreational enhancements, and a detention pond on a separate lot. The applicant also requested deferral. The analysis in this staff report is of the R-75 proposal.

**Compliance with District Standards:**

R-75 STANDARD		REQUIRED/ALLOWED	PROPOSED	COMPLIANCE
MIN. LOT AREA		10,000 square feet	Min. 10,000 square feet	Yes
MIN. LOT WIDTHS – (not adjoining res. subdivisions)		75 feet	Min. 75 feet	Yes
MIN. LOT WIDTH – NEW CORNER LOT		75 feet	Min. 75 feet	Yes
MIN. LOT WIDTH FRONTING CUL-DE-SAC		35 feet	Min. 35 feet	Yes
MIN. YARD SETBACKS	FRONT	30 feet	30 feet	Yes
	SIDE ON PUBLIC STREET-- CORNER LOT	30 feet	30 feet	Yes
	INTERIOR LOT - SIDE	7.5 feet	7.5 feet	Yes
	REAR	40 feet	40 feet	Yes
MAX. HEIGHT		35 feet	35 feet	Yes
MIN. FLOOR AREA OF DWELLING		1,200 sq. feet	Min. 1,200 sq. feet	Yes
MAX. LOT COVERAGE		35%	To be determined for individual lots during building permitting	T.B.D.
MIN. OPEN SPACE (>5 AC OR >36 DUS)		20% = 5.38 acres	5.58 acres	Yes
PARKING		Four spaces	To be determined for individual lots during building permitting	T.B.D.

**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 proposal is not consistent with the following policy of the *2035 Comprehensive Plan*, which is intended to support and promote the orderly development of single-family residential areas: “Protect stable neighborhoods from incompatible development that could alter established single-family residential

development patterns and density” (Suburban Character Area Policy No. 1). In addition, it is not consistent with the planning principle to locate denser developments closer to employment centers, services, more adequate infrastructure, and amenities, thereby reducing road congestion by providing convenient access to these destinations for higher numbers of people per acre. The proposed development represents an increase in density from that which would be constructed under R-100 zoning; yet, the closest services are located approximately 1.5 miles to the south, at the intersection of Flakes Mill Road and Panola Road in Clayton County.

**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 zoning proposal is not suitable in view of the use and development of adjacent and nearby properties. Its density and lot pattern are not consistent with that of the adjoining subdivision to the west, Tara Woods, which has an average lot size of 37,026 square feet. Adjoining properties to the north, northeast and east are 3.34, 3.63, 3.16, and 3.37 acres in size.

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

In 2020 and the first quarter of 2021, the Planning Commission approved proposals to subdivide property zoned R-100 at four different locations in the County. A total of 193 lots were created in the R-100 category. These projects show that the R-100 classification is a viable zoning classification for development of new lots and that the property has reasonable economic use as currently zoned.

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

The adverse effects of the rezoning proposal are not expected to be felt as much by adjoining property owners as by residents of nearby properties in a larger area around the subject property.

The initially-submitted site plan submitted for R-60 zoning showed that some of the widths of the lots on the south edge of the proposed subdivision are 80% of the widths of the lots in the adjoining Tara Woods and Tara Estates subdivisions, and a 20-foot buffer has been proposed along the north and south edges of the proposed subdivision. These measures start to meet the lot compatibility regulations of Section 5.2.3. There is sufficient room on the R-75 site plan to install a buffer, but lot widths or sizes along the southern border of the site don't appear to have been adjusted to be 80% of that of adjoining lots in the Tara Woods subdivision. Compliance with the subdivision compatibility regulations is required or the applicant must obtain a variance. Regardless, the proposed subdivision would be comprised of single-family homes with approximately the same heights as those of the nearby homes, and for these reasons, the zoning proposal is not expected to adversely affect the use or usability of the few properties that are directly adjacent to the development site.

At the same time, the zoning proposal would contribute to a gradual change in the character of the area that surrounds it. It would generate more vehicular trips than the number that would be generated if the property were to be developed under the existing R-100 classification. An entrance sign on Flakes Mill Road would announce the presence of a new subdivision, possibly changing peoples' perceptions of the extent to which the area will have been developed and whether it has remained semi-rural, could be known as low-density suburban, or has become a more populated series of adjoining subdivision neighborhoods. While these changes might be unnoticeable on a daily basis to many of the property owners who currently live in nearby

subdivisions, they would be part of a slowly forming trend towards densification of a relatively remote part of the County, where densification is not appropriate.

**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:**

In 2010, the County replaced the conservation subdivision mechanism with the RNC (Residential Neighborhood Conservation) District. It had become apparent that conservation subdivisions were being used as a way for developers to “get around” density limitations, since inclusion of the square footage of environmental features in the total development site allowed developers to claim the right to develop the same number of homes as they would be allowed to develop if the same amount of square footage did not consist of an environmental feature.

The applicant has compared the density of nearby conservation subdivisions as a starting point for evaluating the appropriateness of the density of the proposed subdivision. However, the density of the conservation subdivisions has been determined, as a matter of policy, to be inappropriate, and it should not be used as a measure for the proposed subdivision. Instead, the appropriateness and suitability of the density allowed by the existing zoning and the larger picture of the long-term consequences of rezoning the property for greater density should be the basis for evaluating the proposal.

**F. 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.

**G. 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 the Transportation or Traffic Divisions of Public Works that the proposed subdivision would excessively burden surrounding streets. The Board of Health has noted that “several septic systems have been installed on surrounding properties in the past”; however, there is no indication from the Public Works Department that it would be a problem for the developer to install a sanitary sewer connection to the nearest line. The Board of Education has stated that nearby schools have adequate capacity for the students who are expected to be generated by the proposed 76 homes.

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

The proposed development would not impact the environment to a greater degree than what is expected for single-family residential development of a wooded property. Removal of trees and re-grading of the site would destroy natural habitat and eliminate the many benefits provided by trees to the natural environment and climate. However, the property is zoned for development of homes. The developer stated that development under R-60 zoning would remove the same number of trees as its development under the existing R-100 zoning, and rezoning to R-75 would be likely to result in the same removal of trees. Even so, construction of relatively fewer homes on larger lots tends to reduce, over time, the damaging effect of development on the natural environment, especially when the development is located relatively far from destinations to which residents of the development will travel by car.

**STAFF RECOMMENDATION: FULL CYCLE DEFERRAL.**

The applicant initially sent a proposal is for a 76-lot, single-family, residential subdivision with three pocket parks. After the Community Council meeting, the applicant explored the possibility of changing the rezoning request to R-75 and submitted a site plan showing 52 lots, three pocket parks with recreational enhancements, and a detention pond on a separate lot. The analysis in this staff report is of the R-75 proposal. The applicant has requested a full-cycle deferral. In accordance with standard practice, the Department of Planning and Sustainability therefore recommends “Full Cycle Deferral.”

**Attachments:**

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Photograph
7. Site Photographs

## 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.**


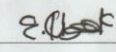
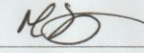
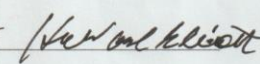
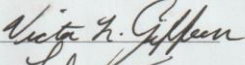
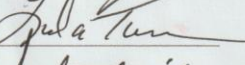
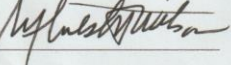
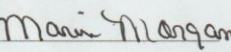
**PETITION - Related to 5035 Flakes Mill Road**

To Commissioner Larry Johnson and DeKalb County Department of Planning & Sustainability

WHEREAS a rezoning application has been submitted for 5035 Flakes Mill Road, Ellenwood, GA by **Applicant** Neville Allison, to whom delegated authority has been given by **Owner** Ellaway D. Amiker 111, to rezone property from **R100** to **R60**, we the homeowners in the Tara Woods subdivision located in DeKalb county, supported by their signatures and addresses below, are adamantly opposed to the rezoning application of the proposed residential development adjacent to Tara Woods subdivision.

We the undersigned, petition Commissioner Larry Johnson and the DeKalb County Department of Planning and sustainability as follows:

**To not** approve the R60 request and allow the property to **remain** as R100.

Name (printed)	Address (printed)	Signature
1. ADEBAYO J. KURANGA	4601 Tara Creek Trl	
2. EDNAK M. Kuranga	. 11	
3. Melody McIntyre	4656 Tara Creek Trail	
4. Howard Elliott	3749 Tara Creek Ct	
5. Victor L. Jefferson	4691 Tara Creek Trail	
6. Lula Turner	3736 Tara Creek Ct	
7. Sylvester Wilson	3756 Tara Creek Ct.	
8. Marion Morgan	4664 Tara Woods Way	



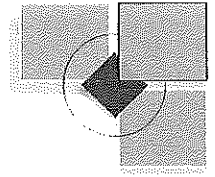
	Name (printed)	Address (printed)	Signature
9.	MR, MRS, MONTGOMERY	4672 TARAWOOD WAY	Mrs. Mrs. Montgomery
10.	Alma Jerrick	4683 Tarawoods Way	Alma Jerrick
11.	Steven Barnes	5151 Tara Creek Dr	Steven Barnes
12.	Stanley Manning	5126 Tara Creek	Stanley Manning
13.	Kristopher Gary	5150 Taracreek Dr.	Kristopher Gary
14.	Rodney B Perry	5159 Tara Creek Dr	Rodney B Perry
15.	JOHN L SIMS	5142 TARACREEK DR	John L Sims
16.	Ermy W Walker	5134 Tara Creek Dr Ellenwood, GA 30294	Ermy W Walker
17.	Ronald W. Hudson	4723 TARACREEK TR Ellenwood, GA 30294	Ronald W. Hudson
18.		4637 Tarawoods Way Ellenwood, GA 30294	
19.	Willie Ingram	4592 Taracreek Trail Ellenwood, GA. 30294	Willie Ingram
20.			
21.			
22.			
23.			



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. \_\_\_\_\_

Filing Fee: \_\_\_\_\_

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Applicant: NEVILLE ALLISON E-Mail: NALLISON@THEREVIVELANDGROUP.COM

Applicant Mailing Address:
ONE ALLIANCE CENTER - 3500 LENOX ROAD, STE 625 ATLANTA, GA 30326

Applicant Phone: 678-223-8978 Fax: \_\_\_\_\_

Owner(s): ELLAWAY D AMIKER III E-Mail: \_\_\_\_\_
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:
4720 AMSLER ROAD, ELLENWOOD, GA 30294

Owner(s) Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address/Location of Subject Property: 5035 FLAKES MILL ROAD ELLENWOOD, GA

District(s): 12 Land Lot(s): 253 Block: 03 Parcel(s): 002

Acreage: 27.31 Commission District(s): DISTRICT 3 / SUPER DISTRICT 7

Present Zoning Category: R-100 Proposed Zoning Category: R-60

Present Land Use Category: SUBURBAN

PLEASE READ THE FOLLOWING BEFORE SIGNING

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

Disclosure of Campaign Contributions

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

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

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

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

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

NOTARY

SIGNATURE OF APPLICANT / DATE

EXPIRATION DATE / SEAL

Check One: Owner Agent

Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Director  
Andrew A. Baker, AICP

**REZONE APPLICATION AUTHORIZATION**

Completion of this form is required if the individual making the request is not the owner of the property.

DATE: \_\_\_\_\_

CHECK TYPE OF APPLICATION:

- ( ) LAND USE PLAN
- () REZONE
- ( ) MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

( I ) (WE), ELLAWAY D AMIKER III  
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to  
NEVILLE ALLISON - THE REVIVE LAND GROUP  
(Name of Applicant or Agent Representing Owner)

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

Gabrielle C. Opi  
Notary Public



Ellaway D. Amiker, III  
Owner

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

\_\_\_\_\_  
Owner

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

\_\_\_\_\_  
Owner

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: \_\_Neville Allison c/o The Revive Land Group\_\_ Phone: \_678-223-8978\_\_ Email:  
[nallison@therevivelandgroup.com](mailto:nallison@therevivelandgroup.com)

Property Address: \_5035 Flakes Mill Road\_\_\_\_\_

Tax Parcel ID: \_12 253 03 002 \_\_ Comm. District(s): \_3 & 7\_\_\_\_\_ Acreage: \_27.31\_\_\_\_\_

Existing Use: \_\_Vacant\_\_\_\_\_ Proposed Use: Single-family detached homes\_\_\_\_\_

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

**Rezoning:** Yes \_X\_\_ No \_\_\_\_\_

Existing Zoning: \_\_R-100\_\_ Proposed Zoning: \_\_R-60\_\_\_\_\_ Square Footage/Number of Units: \_\_78\_\_\_\_\_

Rezoning Request: \_\_Single-Family Detached\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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): \_\_NA\_\_\_\_\_

Condition(s) to be modified:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting:  Review Calendar Dates:  PC:  07/08/21\*\*  
BOC:  07/29/21\*\* Letter of Intent:  Impact Analysis:  Owner Authorization(s):   
Campaign Disclosure:  Zoning Conditions:  Community Council Meeting:  
 06/09/21\*\* 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

\*\* Non-residential SLUP and rezoning applications take priority; any room left over for residential rezonings will be accommodated on first come, first serve basis. Additionally, must meet submittal requirements for rezoning applications including pre-community meeting with 15 days notice; pre-community meeting must occur by 4/28/21 and filing deadline for complete application is 4/29/21 to meet July 2021 agenda submittal deadline.

Review of Site Plan

Density: \_\_\_\_\_ Density Bonuses: \_\_\_\_\_ Mix of Uses: \_\_\_\_\_ Open Space: \_\_\_\_\_ Enhanced  
Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_ Lot Size:  
\_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips: \_\_\_\_\_ Buffers: \_\_\_\_\_  
Parking Lot Landscaping: \_\_\_\_\_ Parking - Auto: \_\_\_\_\_ 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:  Applicant may request rear yard variances for some of the propose lots to accommodate the garage offset requirement of Article 5 requiring garages to be at least 2 feet behind the front façade of the house.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments:  Applicant indicates familiarity with the rezoning process and the DeKalb County zoning ordinance requirements. Applicant will need to provide justification for compatibility of proposed request with surrounding properties.

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DEPARTMENT OF PLANNING & SUSTAINABILITY

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Planner: John Reid Date 04/01/21

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

TARA WOODS DRIVE 4648 TRUST  
4426 HUGH HOWELL RD STE 200  
TUCKER GA 30084

DOBBS MARVIN R  
4600 TARA CREEK TRL  
ELLENWOOD GA 30294

KING COURTNEY  
3984 BUSBY MILL CT  
ELLENWOOD GA 30294

SMITH PAMELA  
3976 BUSBY MILL CT  
ELLENWOOD GA 30294

POWELL GILBERT  
4007 BUSBY MILL CT  
ELLENWOOD GA 30294

JONES CARL E  
4632 TARA WOODS DR  
ELLENWOOD GA 30294

LEGACY MILL COMMUNITY ASSOC  
101 DEVANT ST 905  
FAYETTEVILLE GA 30214

MONTGOMERY GWENDOLYN E  
3962 BUSBY MILL CT  
ELLENWOOD GA 30294

HUGHEY APRIL  
3952 BUSBY MILL CT  
ELLENWOOD GA 30294

JONES ROBERT  
1206 WESTON DR  
DECATUR GA 30032

DEKALB COUNTY  
1300 COMMERCE DR  
DECATUR GA 30030

BERNARD EVELYN M  
5026 FLAKES MILL RD  
ELLENWOOD GA 30294

BROWN JASON H  
4850 FLAKES MILL RD  
ELLENWOOD GA 30294

LEGACY MILL COMMUNITY ASSOC  
101 DEVANT ST STE 905  
FAYETTEVILLE GA 30214

ELLISON PHILLIP R  
4615 TARA CREEK TRL  
ELLENWOOD GA 30294

AMIKER ELLAWAY D III  
4720 AMSLER RD  
ELLENWOOD GA 30294

WALKER LEE  
5059 TARA CREEK DR  
ELLENWOOD GA 30294

PFIN II F LLC  
6300 POWERS FERRY RD STE 600 142  
ATLANTA GA 30339

WYNN SCHERRYL  
5083 TARA CREEK DR  
ELLENWOOD GA 30294

MOSLEY DAVID JR  
4779 FLAKES MILL RD  
ELLENWOOD GA 30294

VILLARREAL JOSE  
6885 STRATTON CIR  
MORROW GA 30260

MILLS RANDELL G  
4870 FLAKES MILL RD  
ELLENWOOD GA 30294

MILES JANICE  
3981 BUSBY MILL CT  
ELLENWOOD GA 30294

MITCHELL MARCUS  
3841 CLARKS MILL WAY  
ELLENWOOD GA 30294

WILLIAMSON JR EVERTON  
4461 CAVITT MILL CT  
ELLENWOOD GA 30294

GARNER TERRY CARR  
4692 TARA WOODS DR  
ELLENWOOD GA 30294

TAYLOR GERALDINE N  
PO BOX 847  
BIRMINGHAM AL 35201

DAVIS ALBERT W  
5078 TARA CREEK DR  
ELLENWOOD GA 30294

ARNETT JONES IRENE  
4445 CAVITT MILL CT  
ELLENWOOD GA 30294

MOSLEY DAVID JR  
4779 FLAKES MILL RD  
ELLENWOOD GA 30294

WILLIAMS ROBERT F JR  
5075 FLAKES MILL RD  
ELLENWOOD GA 30294

HOWELL JR DONNELL  
3968 BUSBY MILL CT  
ELLENWOOD GA 30294

PATTERSON MICHAEL  
3980 BUSBY MILL CT  
ELLENWOOD GA 30294

GIVENS GEORGE M  
4008 BUSBY MILL CT  
ELLENWOOD GA 30294

MUPR 3 ASSETS LLC  
5001 PLAZA ON THE LAKE STE 200  
AUSTIN TX 78746

LEGACY MILL COMMUNITY ASSOC  
101 DEVANT ST 905  
FAYETTEVILLE GA 30214

INGRAM WILLIE H  
4592 TARA CREEK TRL  
ELLENWOOD GA 30294

DELOACH AND RAMSEY INVESTMENT GROUP LLC  
185 SHENANDOAH TRCE  
FAYETTEVILLE GA 30214

BERNARD EVELYN M  
5026 FLAKES MILL RD  
ELLENWOOD GA 30294

MERRITTE CEDRIC  
3972 BUSBY MILL CT  
ELLENWOOD GA 30294

LOUIS VERNON  
4867 FLAKES MILL RD  
ELLENWOOD GA 30294

SCOTT JANNIE  
4623 TARA CREEK TRL  
ELLENWOOD GA 30294

PARKER ROBERT  
4897 FLAKES MILL RD  
ELLENWOOD GA 30294

BROWN NATALIE  
3971 BUSBY MILL CT  
ELLENWOOD GA 30294

KURANGA ADEBAYO J  
4601 TARA CREEK TRL  
ELLENWOOD GA 30294

SERRETTE FARRAH  
3850 CLARKS MILL WAY  
ELLENWOOD GA 30294

EARLE WILLIAM  
4837 FLAKES MILL RD  
ELLENWOOD GA 30294

WALKER EMORY JR  
5083 TARA CREEK DR  
ELLENWOOD GA 30294

JACKSON WILBURN  
5070 TARA CREEK DR  
ELLENWOOD GA 30294

VERDREE SHAVONNE  
4451 CAVITT MILL CT  
ELLENWOOD GA 30294

WALKER KISA  
3621 VINNINGS SLOPE UNIT 1129  
ATLANTA GA 30339

COLEMAN WILLIAM R JR  
4824 FLAKES MILL RD  
ELLENWOOD GA 30294

MARTIN MAQUEZ THOMAS  
6054 TRAILSIDE COVE  
LITHONIA GA 30038

MAULDIN DANIELLE M  
5010 FLAKES MILL RD  
ELLENWOOD GA 30294

JACKSON EUGENE  
3975 CYPRESS POINTE DR  
UNION CITY GA 30291

TARA WOODS DRIVE 4640  
4426 HUGH HOWELL RD STE 200  
TUCKER GA 30084

GRIZZLE KIANNA N  
4465 CAVITT MILL CT  
ELLENWOOD GA 30294

GONZALEZ JOSE  
3998 BUSBY MILL CT  
ELLENWOOD GA 30294

RAYBON ROOSEVELT  
2773 STONEWALL LN  
ATLANTA GA 30331

SIMMONS CLAUDINE  
4678 TARA WOODS DR  
ELLENWOOD GA 30294



CEMETERY  
3350 RIVERWOOD PKWY STE 1800  
ATLANTA GA 30339

HOGAN TIFFANY DIANE  
4460 CAVITT MILL CT  
ELLENWOOD GA 30294

DOBBS MARVIN R  
4600 TARA CREEK TRL  
ELLENWOOD GA 30294

CALDWELL RONNIE S  
4769 FLAKES MILL RD  
ELLENWOOD GA 30294

BOWDEN DONALD L  
4799 FLAKES MILL RD  
ELLENWOOD GA 30294

MILES LAVONNE C  
3988 BUSBY MILL CT  
ELLENWOOD GA 30294

ROY TYRONE A  
3916 SCARLETT OHARA DR  
ELLENWOOD GA 30294

BARBER ROBERT L  
3989 BUSBY MILL CT  
ELLENWOOD GA 30294

THOMAS CHEZARE C  
4428 CAVITT MILL CT  
ELLENWOOD GA 30294

ROGERS LARRY JAMES  
4790 FLAKES MILL RD  
ELLENWOOD GA 30294

HAMLER RACHEL  
4607 TARA CREEK TRL  
ELLENWOOD GA 30294

CURTIS KERRY D  
P.O. BOX 1376  
CONLEY GA 30288

DANIEL AVIS  
4656 TARA WOODS DR  
ELLENWOOD GA 30294

ELMORE GAIL HUBBARD  
5075 TARA CREEK DR  
ELLENWOOD GA 30294

LEE MARY S  
3825 CLARKS MILL WAY  
ELLENWOOD GA 30294

HISHIDA KYNA  
4457 CAVITT MILL CT  
ELLENWOOD GA 30294

BELT JEANETTE S  
5060 TARA CREEK DR  
ELLENWOOD GA 30294

JONES DOUGLAS K  
5048 FLAKES MILL RD  
ELLENWOOD GA 30294

ELLISON DAVID L  
452 PATILLO RD  
STOCKBRIDGE GA 30281

STARKS GLYNIS  
4825 FLAKES MILL RD  
ELLENWOOD GA 30294



4/5/2021

Re: **Neighborhood Meeting**  
**5035 Flakes Mill Road**  
*DeKalb County, Georgia*  
Planners and Engineers Collaborative, Inc. Project No. 20288.00

To whom it may concern,

As you may be aware, Planners and Engineers Collaborative, Inc. and The Revive Land Group have filed a rezoning application with DeKalb County for the above-referenced property. This application proposes to rezone the approximately 26.9-acre property located at 5035 Flakes Mill Road from R-100 Residential Single Family to R-60 Residential Single Family. This rezoning would facilitate the development of a new, single-family community, consisting of approximately 80 detached homes.

A neighborhood meeting will be held on Wednesday, April 21st at 6:00PM to 7:00PM. The meeting will be held via Zoom webinar. Its purpose is to provide neighbors and interested parties with the opportunity to meet with PEC and the Developer to ask any questions and/or voice any concerns.

Below is the call-in information for the Zoom webinar and a link to access the meeting on computer desktop.

Dial-in Number: 1 929 205 6099 US  
Meeting ID: 849 4097 2866  
Passcode: 937141

Desktop Meeting Link: <https://bit.ly/3sNeK7D>  
Meeting ID and Passcode are same as above.

We are committed to keeping the public informed during the process of this application. If you have any questions, comments, or concerns, please feel free to reach out to us at 770-451-2741.

Sincerely,  
**Planners and Engineers Collaborative, Inc.**

Kenneth J. Wood, P.E, LEED AP  
President

For the Firm

kjw/ht/dp

4/29/2021

Re: **Community Meeting Minutes**  
**Flakes Mill Road Rezoning (27.31 +/- acres)**  
PEC+ Project No. 20288.00

Dear Planning and Sustainability Department,

Our team held a community meeting to discuss the above-referenced project on Wednesday, April 21 at 6:00pm via Zoom. There were over 20 community members present for the meeting. A transcript of the Zoom Chat, with email addresses given from residents, is attached to this memo. The following is a point-by-point summary of questions and feedback received during the meetings:

#### Comments and Concerns

- Comment that Flakes Mill Road is a two-lane road that has a harsh curve, resulting in many accidents. Concern that additional traffic from subdivision would contribute to accidents.
- Concern that the development will generate more traffic for the area.
- Comment that there should be more given to the area other than a turning lane (as planned)
- Concern that the trees on-site will be clear-cut
- Comment that neighborhood to south does NOT want entrance/interconnectivity
- Comment that neighborhood has been burned before on development without being considered

#### Questions and Responses

- What benefits will be given to the neighborhood? How will this contribute to the overall good of the area?

There will be improvements made to the frontage and streetscape, including a new sidewalk along Flakes Mill, which will ultimately benefit the neighborhood. The subdivision is targeted toward working families, which should be considered good neighbors and good additions to the neighborhood. Teachers, policemen, firemen, etc. will be able to live here, in the community where they work.

- Where are the entrances located? Why not two entrances onto Flakes Mill?

When the project was presented to the neighborhood, there were two entrances proposed: one along Flakes Mill Road and the other connecting into the Tara Creek neighborhood to the south. There was much opposition to the second Tara Creek entrance, so that will be reconsidered moving forward. It may not be possible to have two entrances on Flakes Mill because the street frontage length is not that long.

- Has a traffic study been completed?

A traffic study has not yet been completed; we wanted feedback to the plan first to understand any substantive changes that might be made, affecting a traffic study.

- Would you (the developer) build homes like this in your neighborhoods?

Yes, of course. The developer is a resident of DeKalb County and believes in this type of development as beneficial to existing neighborhoods.

- Will BIPOC people be given the opportunity to be subcontractors on the project?

Yes, of course—there will be equal opportunities for contractors and subcontractors. These decisions have not been made yet because it is still very early in the development process.

- What is the estimated square footage of the homes?



The estimated square footage of the homes is 2,500 to 3,600 square feet.

- What is the value of the homes?

It is currently estimated that the homes would start in the high \$200s all the way to the mid \$300s.

Please let our team know if you require additional information. Thank you for your continued coordination and cooperation on this project. We look forward to advancing this project with DeKalb County.

Sincerely,  
**Planners and Engineers Collaborative, Inc.**

---

Kenneth J. Wood, P.E., LEED AP  
President

For the Firm

kjw/ht/dp

17:35:56 From Sheryl D : there has been many deaths in that curve  
17:37:05 From Sylvester Wilson : They want to clear cut the trees.. the area is known for the woods.  
17:50:08 From Chinchinbaby : A lot of college graduates are unable to afford houses. They have moved back home with their parents.  
17:50:57 From Barbara D. Heard : Great question Ms. Jones.  
17:53:31 From Imani M : Well said, Ms. Jones.  
17:55:05 From Imani M : She did not yell at you.  
17:55:15 From Chinchinbaby : We have professionals living here. More houses will create crime, traffic and other community issues.  
17:57:32 From naila : What other subdivisions have you developed in Dekalb County or else where?  
17:58:49 From Danielle's iPhone : This is an upgrade to the carriage before buying the horse. The county needs to improve what is here before we add. There isn't benefit to existing residents without fixing what is here already.  
17:59:03 From Chinchinbaby : aneitachin@yahoo.com  
17:59:12 From Danielle's iPhone : Mrsross0930@yahoo.com  
17:59:15 From Imani M : imanimc@ymail.com  
17:59:30 From Barbara D. Heard : Babbs2062@gmail.com  
17:59:40 From Sylvester Wilson : slywilson@comcast.net  
17:59:47 From naila : dobbsnaila@yahoo.com  
17:59:50 From Ronald and Melody McIntyre : Melody and Ronald McIntyre melopmac@yahoo.com  
18:00:01 From Hayley Todd - PEC : htodd@pec.plus  
18:00:31 From iPhone to Hayley Todd - PEC(Direct Message) : williehingram@yahoo.com  
18:00:48 From Sheryl D : sdriskel@bellsouth.net  
18:01:18 From Chinchinbaby : What other communities in Dekalb has PEC developed?  
18:01:58 From iPad (2) : dwilli9216@bellsouth.net  
18:04:00 From Hayley Todd - PEC to Chinchinbaby(Direct Message) : PEC is just an engineering group--Neville and the Revive Land Group are the developers. We will send you a list of links when I send out the meeting minutes@  
18:12:57 From Hayley Todd - PEC : Thank you everyone so much for your comments--it helps us put together a better proposal for you all. We will be in touch with updates to the plan and any progress in the planning process.  
18:13:09 From Hayley Todd - PEC : please send me an email or drop it here htodd@pec.plus  
18:13:30 From FELECIA l Edwards : fledwa58@yahoo.com  
18:13:30 From Kim's iPad : Jbelt22@yahoo.com  
18:14:29 From Elizabeth Jones to Hayley Todd - PEC(Direct Message) : Elizabeth\_jones99@yahoo.com  
18:15:13 From Elizabeth Jones to Hayley Todd - PEC(Direct Message) : elizabeth\_jones99@yahoo.com  
18:15:23 From Chinchinbaby to Hayley Todd - PEC(Direct Message) : thanks  
18:15:26 From Oretha Johnson : I would like to share that the family structure has changed. There will be more people residing in these homes because of financial issues and resources.  
18:15:27 From Chinchinbaby to Hayley Todd - PEC(Direct Message) : gn

4/29/2021

Re: **Letter of Intent**  
**Flakes Mill Road Rezoning (27.31 +/- acres)**  
PEC+ Project No. 20288.00

Dear Community Development officials,

This rezoning application is being submitted on behalf of the developer and applicant. This application proposes to rezone the 27.31-acre property located at 5035 Flakes Mill Road from R-100 to R-60. This rezoning would facilitate the development of a new 76-lot single-family detached community.

**Existing Conditions:**

The uses surrounding the property include:

- North: sparsely developed land with residential uses, Legacy Mill residential subdivision
- East: sparsely developed land with residential uses, cemetery
- South: small new residential subdivision
- West: Tara Creek residential subdivision

As it currently exists, the property is completely undeveloped. A Clarks Creek forms the northwestern boundary of the site. Approximately 2.69 acres of the site is comprised of unbuildable stream buffer and floodplain area. The site plan is designed to keep the residential lots clear of this area.

**Proposed Development**

The proposed development consists of 69 single-family lots that have a minimum width of 60 feet each. The proposed overall site density for the 27.31-acre tract is approximately 2.8 units per acre, which is in conformance with the recommended site density prescribed in the Suburban Character area (8 UPA).

The proposed development would be accessed from the southern bend of Flakes Mill Road. In addition to the preservation space of the stream buffer and the floodplain area, there would be three additional pocket parks interspersed throughout the development. The proposed buildings would be buffered from the surrounding development by the substantial natural features (vegetation and streams) existing on site, in addition to a 20-foot wide transitional buffer along the northern and southern property lines.

There is a master stormwater facility proposed in the southwestern corner of the site that would collect runoff during significant rain events.

**Zoning Rationale**

The proposed development is appropriate for this site due to a number of factors. First, the site plan makes the best use of the site, given the natural existing constraints that are out of the applicant's control, which have led to the site remaining undeveloped. As mentioned, more than two acres of the site are lost to floodplain and stream buffer area that cannot be built upon. As a result, this plan proposes a compact, but low-density subdivision that makes the most of the buildable area, while still maintaining abundant green space that is both usable (pocket parks) and natural/preserved area (such as the transitional buffers and floodplain area). The preservation area will also provide excellent screening from adjacent and nearby developments.

The site plan orients the lots toward the center of the site, which is beneficial for adjoining lots outside of the development. As another demonstration of goodwill and neighborliness, the lots proposed to border along property lines are 80-feet in width, instead of the minimum 60-foot width, to ease in the transition to the smaller interior lots. This is similar to the surrounding context, where lots are around 9,600 square feet in size.

Finally, the development is an appropriate use of the site from a land use and zoning perspective, as it is consistent with the DeKalb County comprehensive plan. The intent of the Suburban Character area is to recognize areas of the County that have developed in traditional suburban land use patterns while encouraging new development to have



increased connectivity and accessibility. These areas include both those built-out, and those currently under development pressures. The proposal is in conformity with the Suburban Character Area as specified in the Comprehensive Plan, since it utilizes R-60 zoning and creates a new, single-family detached subdivision in an area where such low-density residential context has already been established.

### **Constitutional Objections**

The portions of the Code of Ordinances and Zoning Ordinance for DeKalb County which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II 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.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.

The Property is presently suitable for R-3 as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by DeKalb County, Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by the DeKalb County Board of Commissioners to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, 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.

### **Conclusion**

The applicant and owner respectfully request that the DeKalb County Board of Commissioners, Planning Commission and Planning Staff approve and support the Applicant's rezoning request to allow for the rezoning of this property from R-100 to R-60. This would facilitate the development of a new, single-family detached community that would contribute to the advancement of the purpose and intent of the DeKalb County comprehensive plan. The developer and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,

**Planners and Engineers Collaborative, Inc.**

Kenneth J. Wood, P.E., LEED AP  
President

For the Firm

kjw/ht/dp

4/29/2021

Re: **Zoning Standards Analysis**  
**Flakes Mill Road Rezoning (27.31 +/- acres)**  
PEC+ Project No. 20288.00

Dear Community Development officials,

Please see below the responses to the Standards and Factors Governing Review to Official Amendments to the Official Zoning Map (Section 7.3.5 of the DeKalb County Zoning Code).

The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

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

The proposed rezoning is in conformity with the policy and intent of the comprehensive plan. The Plan identifies the site as part of the 'Suburban Character Area.' Appropriate zoning designations within this character area include R-100, R-75, and R-60, and the designation generally encourages lower-density, classic suburban residential neighborhoods. The proposed site plan delivers just that: a small subdivision of detached homes on 6,000 square foot lots. Therefore, the site plan and the zoning proposal are in conformity with the policy and intent of the comprehensive plan.

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

The proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposal is a 76-lot single-family detached subdivision that is similar to surrounding neighborhoods in the size of the homes proposed. The site plan orients the lots toward the center of the site, which is beneficial for adjoining lots outside of the development. As another demonstration of goodwill and neighborliness, the lots proposed to border along property lines are 80-feet in width, instead of the minimum 60-foot width, to ease in the transition to the smaller interior lots. This is similar to the surrounding context, where lots are around 9,600 square feet in size. The development will be buffered from surrounding developments by the heavy existing tree coverage and other natural features, including Clarks Creek. Nearby properties will not be affected by the proposal.

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

The proposal loses much of its economic use because of factors that are outside of the applicant's control. Approximately 2.69 acres of the 27.31-acre site is lost to floodplain and stream buffers, and is unbuildable as a result. Under the current R-100 zoning, lots would need to have a minimum size of 15,000 square feet. This is infeasible, because of the area lost to the natural features. Instead, the proposal for the property is to reduce the lot sizes to a minimum of 6,000 square feet each (under R-60 zoning), to make up for lost space to the floodplain and buffers.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. Most of the nearby properties are already developed with low-density residential uses or institutional uses, such as churches and a cemetery. These uses are compatible with the low-density residential subdivision that is being proposed. Additionally, the proposal includes measures to ensure compatibility to have as few effects on neighboring properties as possible, including widening border lots, maintaining a 20' transitional buffer, and keeping the stream buffer and floodplain areas undisturbed.





**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 rezoning proposal for a new, R-60 development should be approved by Staff and the Board of Commissioners because it is fully within the purpose and intent specified by the DeKalb County comprehensive plan. As it stands right now, under the current zoning, the R-100 does not allow for an efficient or economically viable development. The R-60 proposal is an appropriate plan for the site since it balances the loss of economic value from the floodplain and stream buffers by providing smaller lot sizes while maintaining much planted space, natural areas, and green space for residents to enjoy.

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

The zoning proposal will not adversely affect historic districts, sites, buildings, or archaeological resources. There are no such resources in the project area.

**G. 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.**

The proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The smaller size of the lots and the proposed homes are targeted toward younger families, young professionals, and older persons looking to downsize. Because of this diverse market, it is not anticipated that the development will cause an excessive burden on nearby schools. Utilities on-site are being explored by the development team; the developer will make upgrades (if any) to facilitate the development. The site plan includes a master stormwater pond to collect runoff from significant rain events, so nearby properties will not experience flooding from this site.

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

The zoning proposal does not adversely affect the environment or surrounding natural resources. Of course the site will need to be cleared for the development, but as this site could be developed as a subdivision with similar clearing necessary, that fact should not be a detractor to this site plan approval. This proposal includes a significant amount of green space for residents, but also a large area of preservation space, particularly surrounding Clarks Creek along the northwestern property line. The plan also includes 20 feet of buffers on the northern and southern property lines, which will consist of existing or planted trees.

Sincerely,

**Planners and Engineers Collaborative, Inc.**

Kenneth J. Wood, P.E., LEED AP  
President

For the Firm

kjw/ht/dp

## LEGAL DESCRIPTION

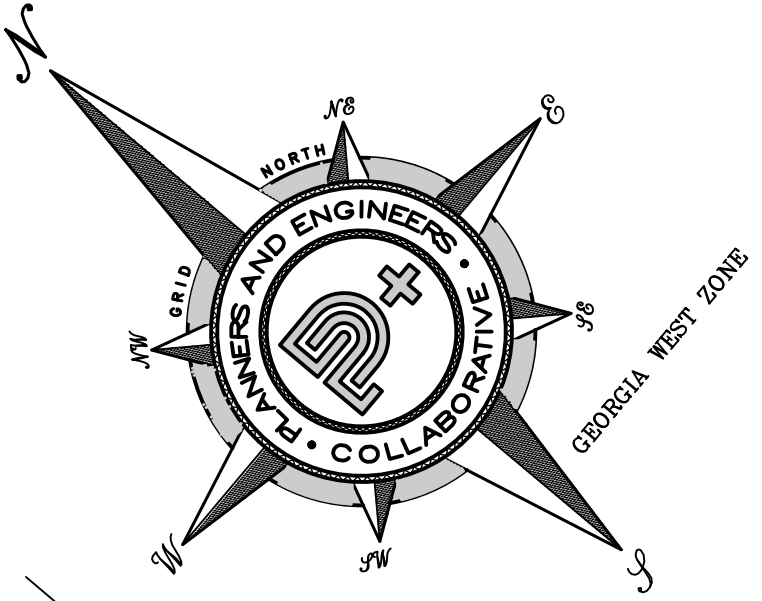
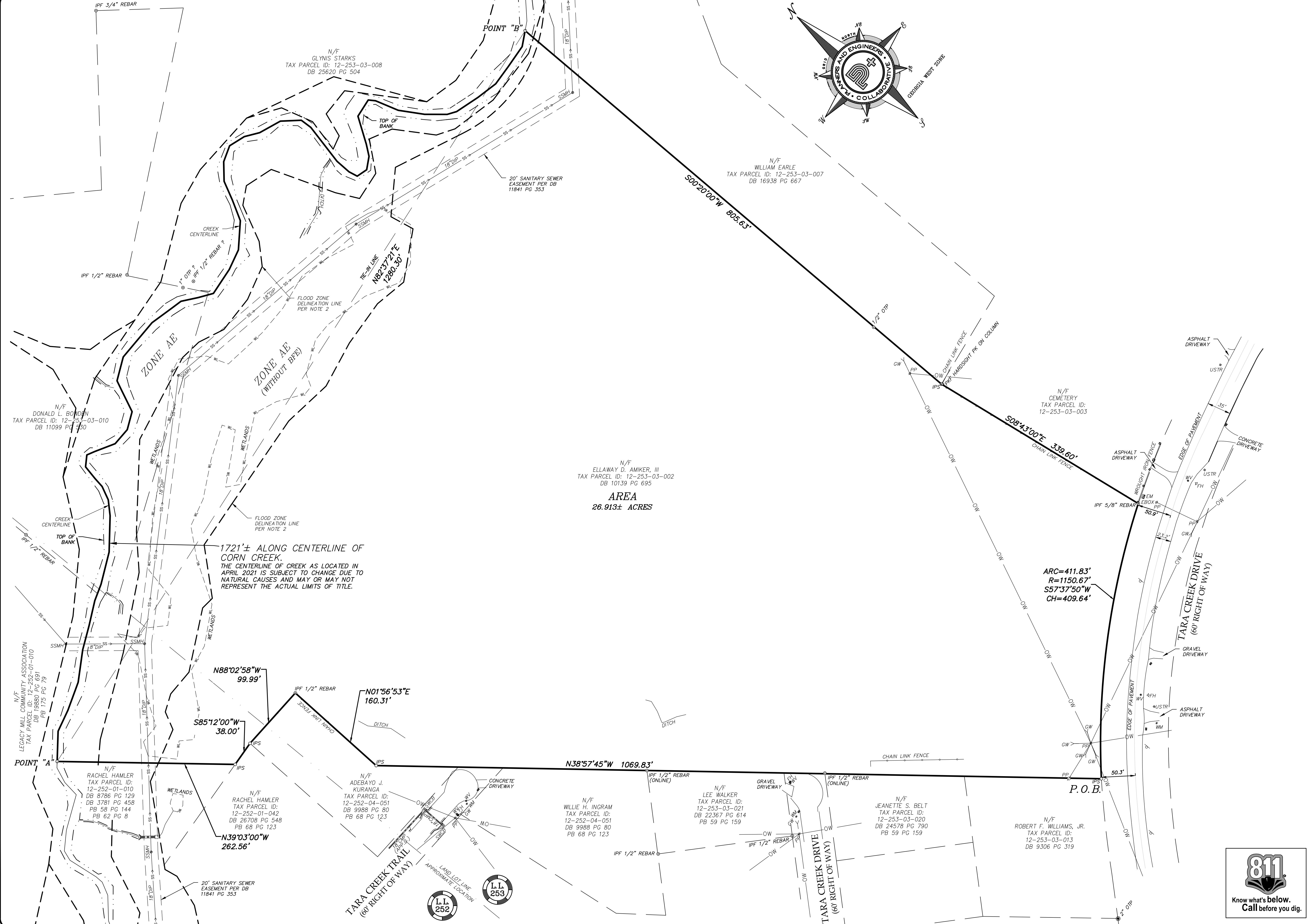
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 252 and 253, of the 12th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at a set 5/8 inch rebar on the northwesterly right of way of Flakes Mill Road (100 foot right of way), said rebar located 473 feet, more or less, northeasterly from Tara Woods Drive, as measured along said northwesterly right of way of Flakes Mill Road;

THENCE leaving said northwesterly right of way of Flakes Mill Road North 38 degrees 57 minutes 45 seconds West a distance of 1069.83 feet to a set 5/8 inch rebar; thence North 01 degree 56 minutes 53 seconds East a distance of 160.31 feet to a found 1/2 inch rebar; thence North 88 degrees 02 minutes 58 seconds West a distance of 99.99 feet to a set 5/8 inch rebar; thence South 85 degrees 12 minutes 00 seconds West a distance of 38.00 feet to a set 5/8 inch rebar; thence North 39 degrees 03 minutes 00 seconds West a distance of 262.56 feet more or less to a point at the centerline of Corn Creek, said point being referred to as Point "A" (the commencement point of a tie-in line); thence following the centerline of said creek and the meanderings thereof, 1721 feet more or less to a point, said point being referred to as point "B", (the terminus of said tie-in line); said tie line from point "A" and to point "B" having the course of North 82 degrees 37 minutes 21 seconds East and a distance of 1280.30 feet to a point, said point referred to as point "B"; thence leaving the centerline of said creek and proceed South 00 degrees 20 minutes 00 seconds West a distance of 805.63 feet more or less to a set 5/8 inch rebar; thence South 08 degrees 43 minutes 00 seconds East a distance of 339.60 feet to a found 5/8 inch rebar on said northwesterly right of way of Flakes Mill Road; thence along said northwesterly right of way of Flakes Mill Road 411.83 feet along an arc of a curve to the left, said curve having a radius of 1150.67 feet and being subtended by a chord bearing and distance of South 57 degrees 37 minutes 50 seconds West 409.64 feet to a set 5/8 inch rebar, said rebar being the TRUE POINT OF BEGINNING

Tract containing 26.913 acres more or less.

This drawing is the property of Planners & Engineers Collaborative and is not to be copied, reproduced, or used in any way without the written consent of Planners & Engineers Collaborative.



**SHEET 1 OF 4**  
DRAWN BY: M.S. / MCH / MCS  
CHECKED BY: MCH / MCS  
FILE NO.: 202-88-00  
DATE: 04/08/2021  
SCALE: 1" = 60'  
DATE OF FIELD WORK: 4/7/21



DEKALB COUNTY  
GEORGIA

BOUNDARY, TOPOGRAPHIC, & TREE SURVEY  
FOR  
THE REVIVE LAND GROUP

LAND LOT(S) 252 & 253  
DISTRICT

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

**PECC**  
Planners & Engineers Collaborative+

LAND PLANNING • SURVEYING & CONSTRUCTION • CIVIL ENGINEERING • ARBORISTS • LANDSCAPE ARCHITECTURE • WATER RESOURCES

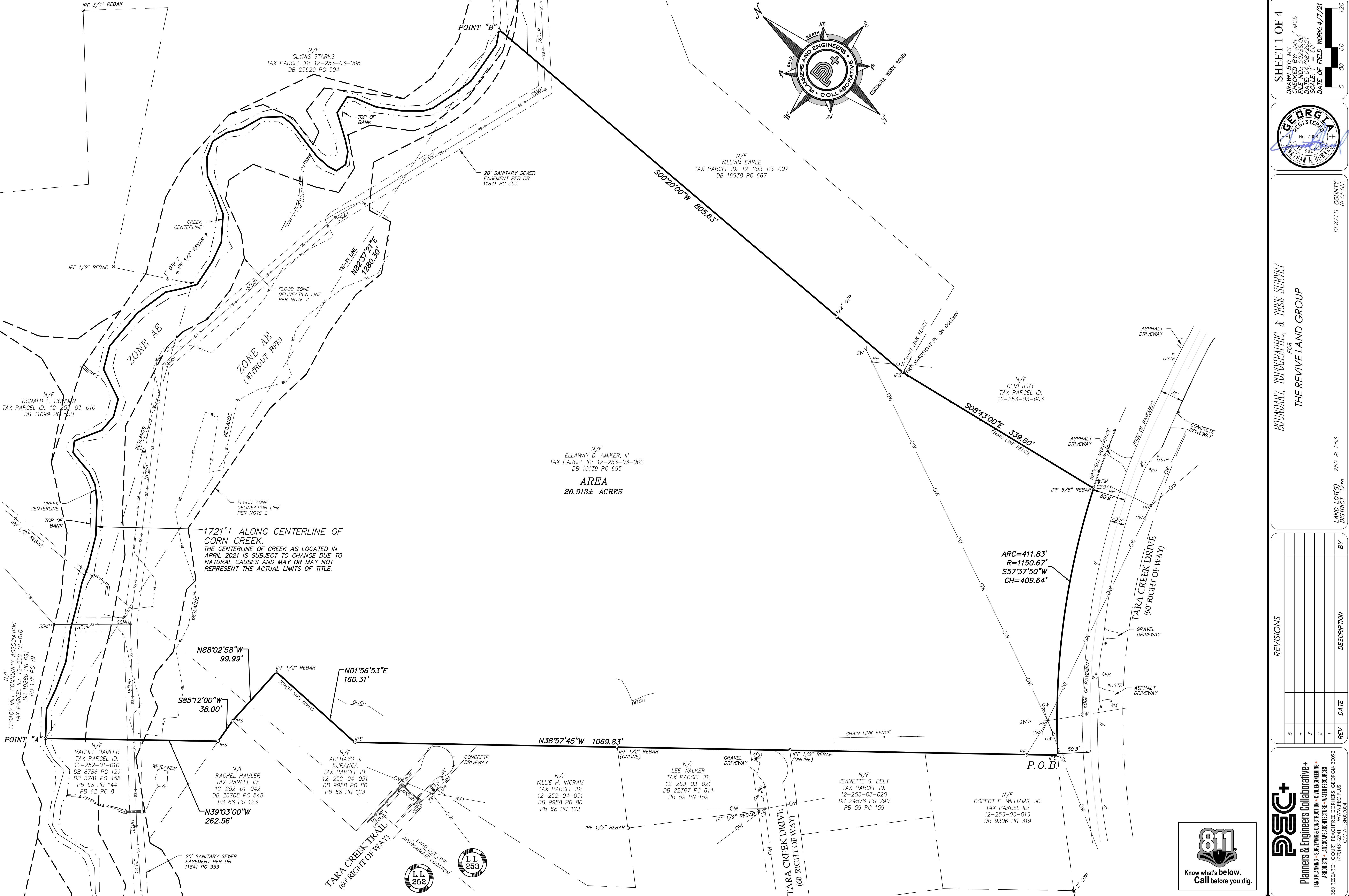
350 RESEARCH COURT, RESEARCH CORNERS, GEORGIA 30092  
(770) 451-9741 WWW.PEC.PLUS  
C.O.A.-LSF00004



N/F  
ELLAWAY D. AMKER, III  
TAX PARCEL ID: 12-253-03-002  
DB 10139 PG 695  
**AREA**  
26.913± ACRES

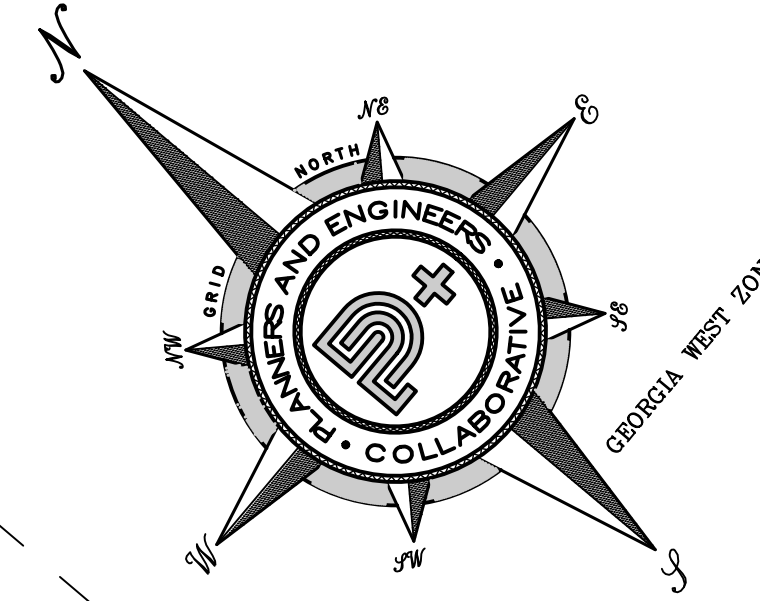
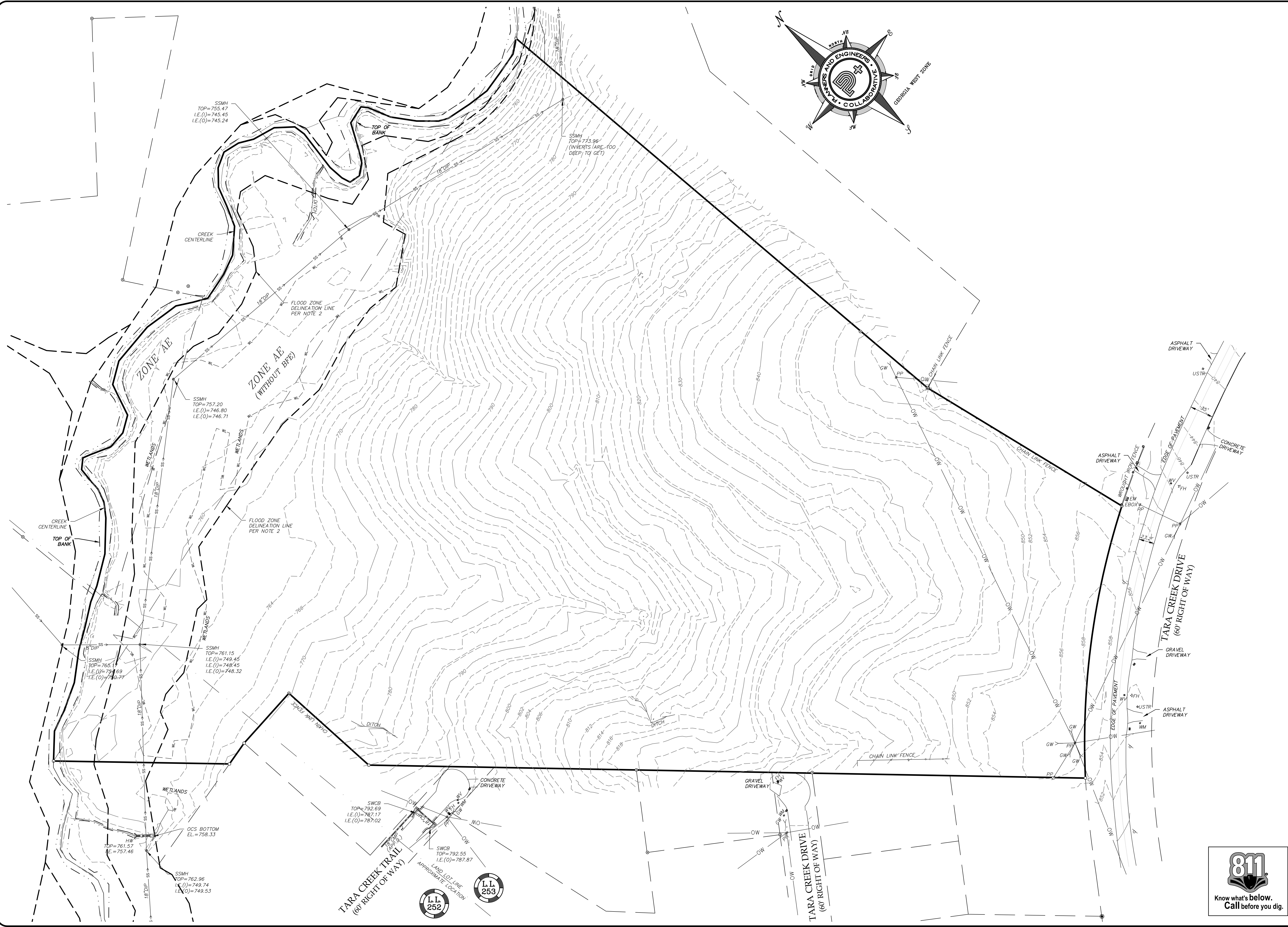
1721'± ALONG CENTERLINE OF CORN CREEK.  
THE CENTERLINE OF CREEK AS LOCATED IN APRIL 2021 IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND MAY OR MAY NOT REPRESENT THE ACTUAL LIMITS OF TITLE.

ARC=411.83'  
R=1150.67'  
S57°37'50"W  
CH=409.64'



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**SHEET 2 OF 4**  
 DRAWN BY: MS/MH / MCS  
 CHECKED BY: MS/MH / MCS  
 FILE NO.: 202-88-00  
 DATE: 04/08/2021  
 SCALE: 1" = 60'  
 DATE OF FIELD WORK: 4/7/21

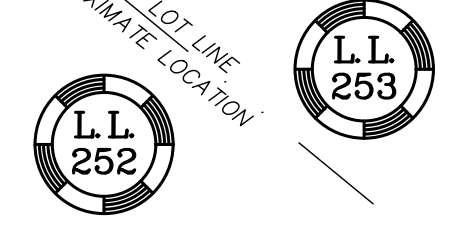


LAND LOTS: 252 & 253  
 DISTRICT: DEKALB COUNTY, GEORGIA

BOUNDARY, TOPOGRAPHIC, & TREE SURVEY  
 FOR  
**THE REVIVE LAND GROUP**

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

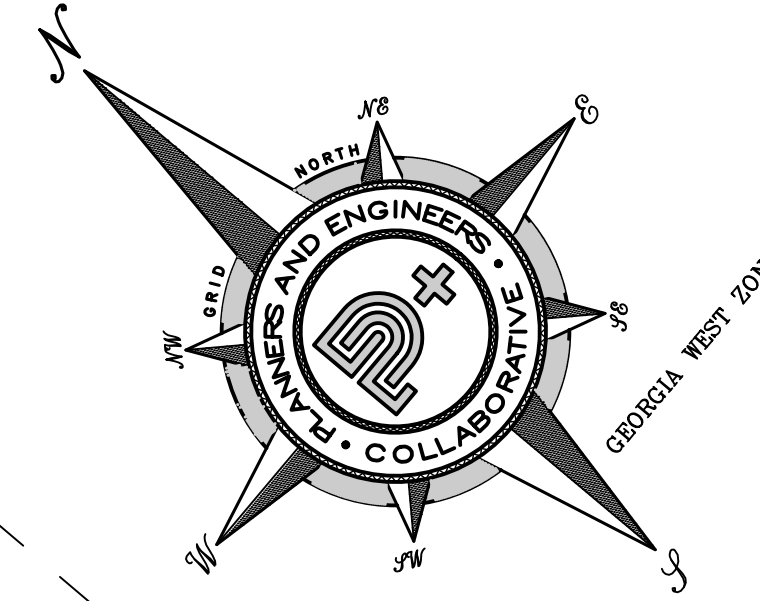
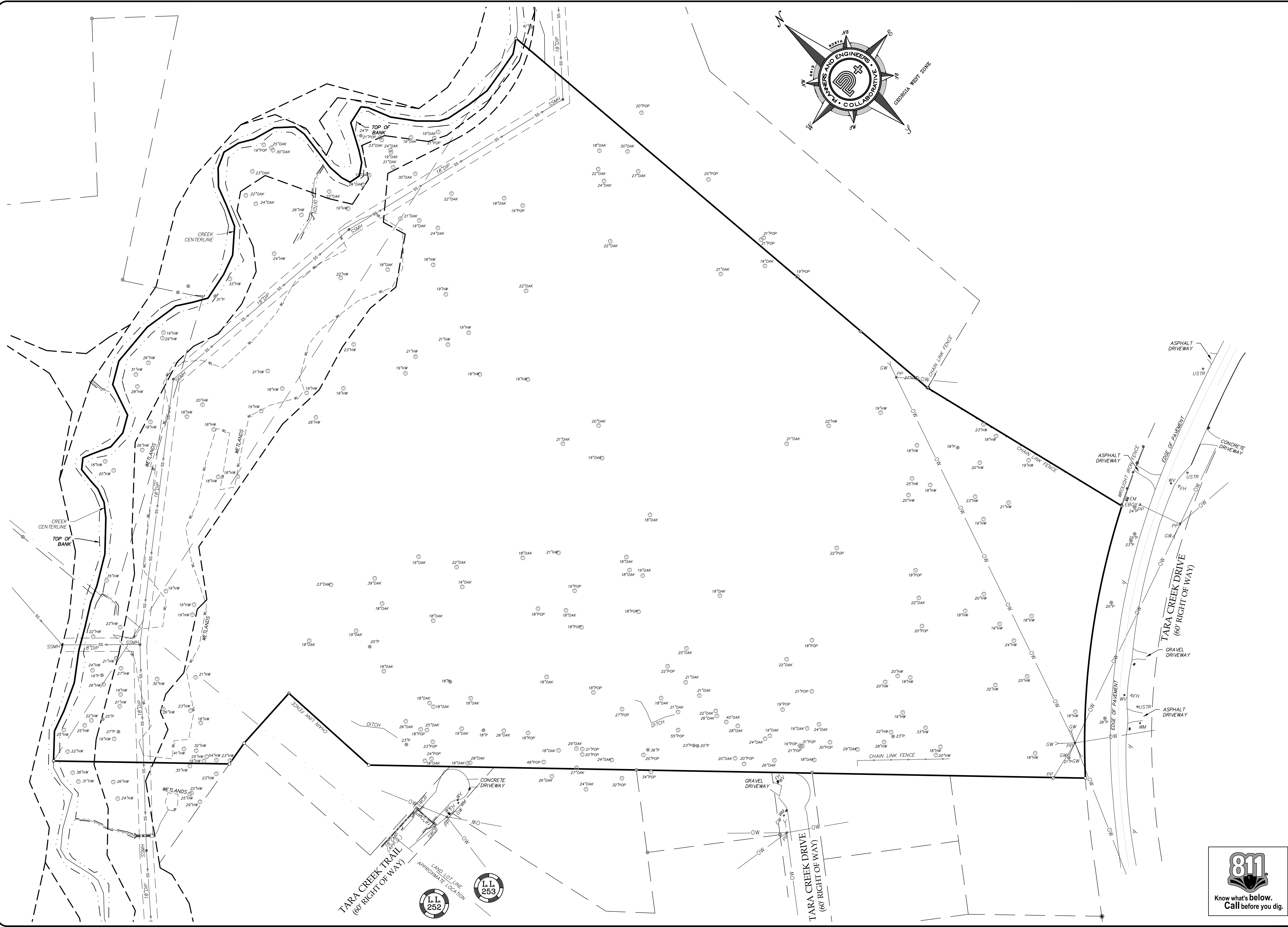
**PEC+**  
**Planners & Engineers Collaborative+**  
 LAND PLANNING • SURVEYING & CONSTRUCTION • CIVIL ENGINEERING •  
 ARCHITECTS • LANDSCAPE ARCHITECTURE • WATER RESOURCES  
 350 RESEARCH COURT, PEACREE CORNERS, GEORGIA 30092  
 (770) 451-2741 WWW.PEC.PLUS C.O.A.-LSF000004



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**SHEET 3 OF 4**  
 DRAWN BY: MSB  
 CHECKED BY: JWH / MCS  
 FILE NO.: 20288600  
 DATE: 04/08/2021  
 SCALE: 1" = 60'  
 DATE OF FIELD WORK: 4/7/21



DEKALB COUNTY  
 GEORGIA

BOUNDARY, TOPOGRAPHIC, & TREE SURVEY  
 FOR  
 THE REVIVE LAND GROUP

LAND LOTS 252 & 253  
 DISTRICT

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

**PE+**  
**Planners & Engineers Collaborative+**  
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 ARCHITECTS • LANDSCAPE ARCHITECTURE • WATER RESOURCES

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 C.O.A.-LSF00004



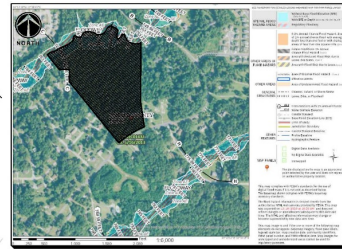
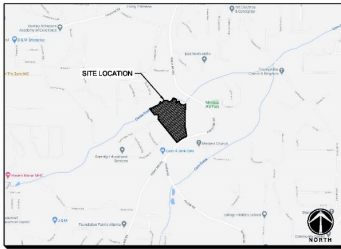
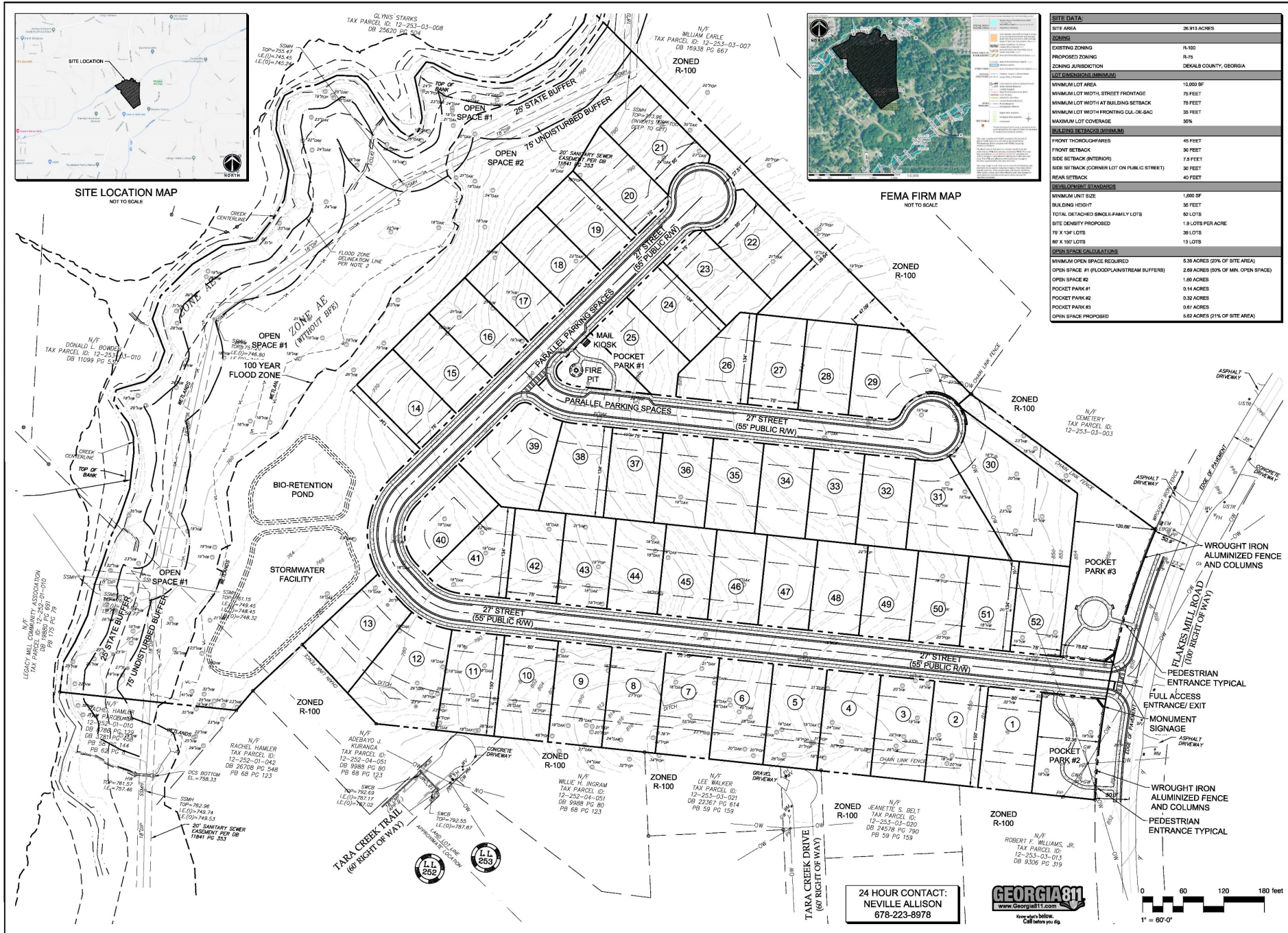
TARA CREEK TRAIL  
 (60' RIGHT OF WAY)

TARA CREEK DRIVE  
 (60' RIGHT OF WAY)

LAND LOT LINE  
 APPROXIMATE LOCATION

LL 252

LL 253



SITE DATA:	
SITE AREA	28.913 ACRES
EXISTING ZONING	R-100
PROPOSED ZONING	R-75
ZONING JURISDICTION	DEKALB COUNTY, GEORGIA
MINIMUM DIMENSIONS (MINIMUM)	
MINIMUM LOT AREA	15,000 SF
MINIMUM LOT WIDTH AT STREET FRONTAGE	75 FEET
MINIMUM LOT WIDTH AT BUILDING SETBACK	75 FEET
MINIMUM LOT WIDTH FRONTING CUL-DE-SAC	35 FEET
MAXIMUM LOT COVERAGE	35%
BUILDING SETBACKS (MINIMUM)	
FRONT THROUGHPASSES	45 FEET
FRONT SETBACK	30 FEET
SIDE SETBACK (INTERIOR)	7.5 FEET
SIDE SETBACK (CORNER LOT ON PUBLIC STREET)	30 FEET
REAR SETBACK	40 FEET
MINIMUM DIMENSIONS (MAXIMUM)	
MINIMUM UNIT SIZE	1,000 SF
BUILDING HEIGHT	30 FEET
TOTAL DETACHED SINGLE-FAMILY LOTS	52 LOTS
SITE DENSITY PROPOSED	1.9 LOTS PER ACRE
75' X 104' LOTS	36 LOTS
89' X 167' LOTS	13 LOTS
MINIMUM OPEN SPACE CALCULATIONS	
MINIMUM OPEN SPACE REQUIRED	5.38 ACRES (20% OF SITE AREA)
OPEN SPACE #1 (FLOODPLAIN/STREAM BUFFERS)	2.89 ACRES (95% OF MIN. OPEN SPACE)
OPEN SPACE #2	1.80 ACRES
POCKET PARK #1	0.14 ACRES
POCKET PARK #2	0.32 ACRES
POCKET PARK #3	0.84 ACRES
OPEN SPACE PROPOSED	5.62 ACRES (21% OF SITE AREA)



**THE REVIVE LAND GROUP**

SOURCE: ENTITLE: REVIVE.

ONE ALLIANCE CENTER  
3500 LENOX ROAD  
SUITE 625  
ATLANTA, GEORGIA 30326  
O: (678) 223-8978  
WWW.THEREVIVELANDGROUP.COM

PROJECT:  
**THE PRESERVE AT CLARK'S CREEK**

A MASTER PLANNED RESIDENTIAL DEVELOPMENT

5035 FLAKES MILL ROAD  
ELLENWOOD, GEORGIA 30294

DEKALB COUNTY GEORGIA

LAND LOT: 252 & 253  
DISTRICT: 12TH



SOURCE: ENTITLE: REVIVE.

ONE ALLIANCE CENTER  
3500 LENOX ROAD  
SUITE 625  
ATLANTA, GEORGIA 30326  
O: (678) 223-8978  
WWW.THEREVIVELANDGROUP.COM

REVISION

REVISION DATE

PROJECT NUMBER

20288

SCALE

PROJECT NAME

THE PRESERVE AT CLARK'S CREEK

DATE

JUNE 18, 2021

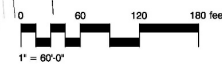
TITLE

CONCEPTUAL SITE PLAN

SHEET

Z-001

24 HOUR CONTACT:  
NEVILLE ALLISON  
678-223-8978



DATE

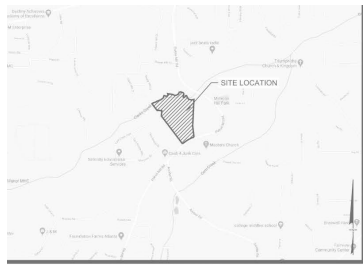
JUNE 18, 2021

TITLE

CONCEPTUAL SITE PLAN

SHEET

Z-001



SITE LOCATION MAP  
NOT TO SCALE



American Holly

FEMA

SITE AREA	26.905 ACRES
<b>ZONING</b>	
EXISTING ZONING	R-100
PROPOSED ZONING	R-60
ZONING JURISDICTION	DEKALB COUNTY, GEORGIA
<b>SETBACK REQUIREMENTS</b>	
FRONT SETBACK	20 FEET
SIDE SETBACK (INTERIOR)	7.5 FEET
SIDE SETBACK (CORNER LOT ON PUBLIC ST.)	20 FEET
REAR SETBACK	30 FEET
<b>DEVELOPMENT STANDARDS</b>	

Southern Magnolia



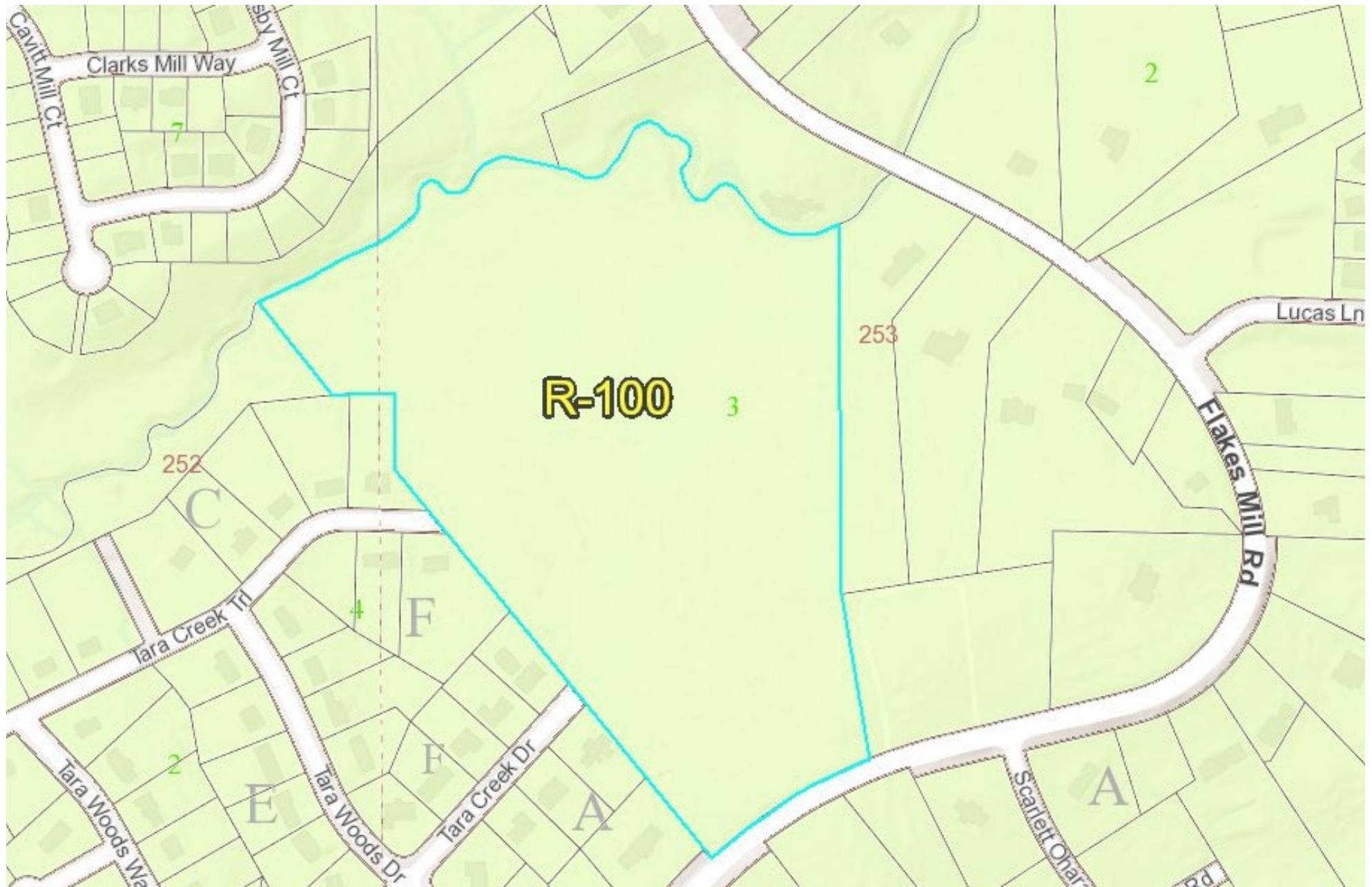
WEAT AREA

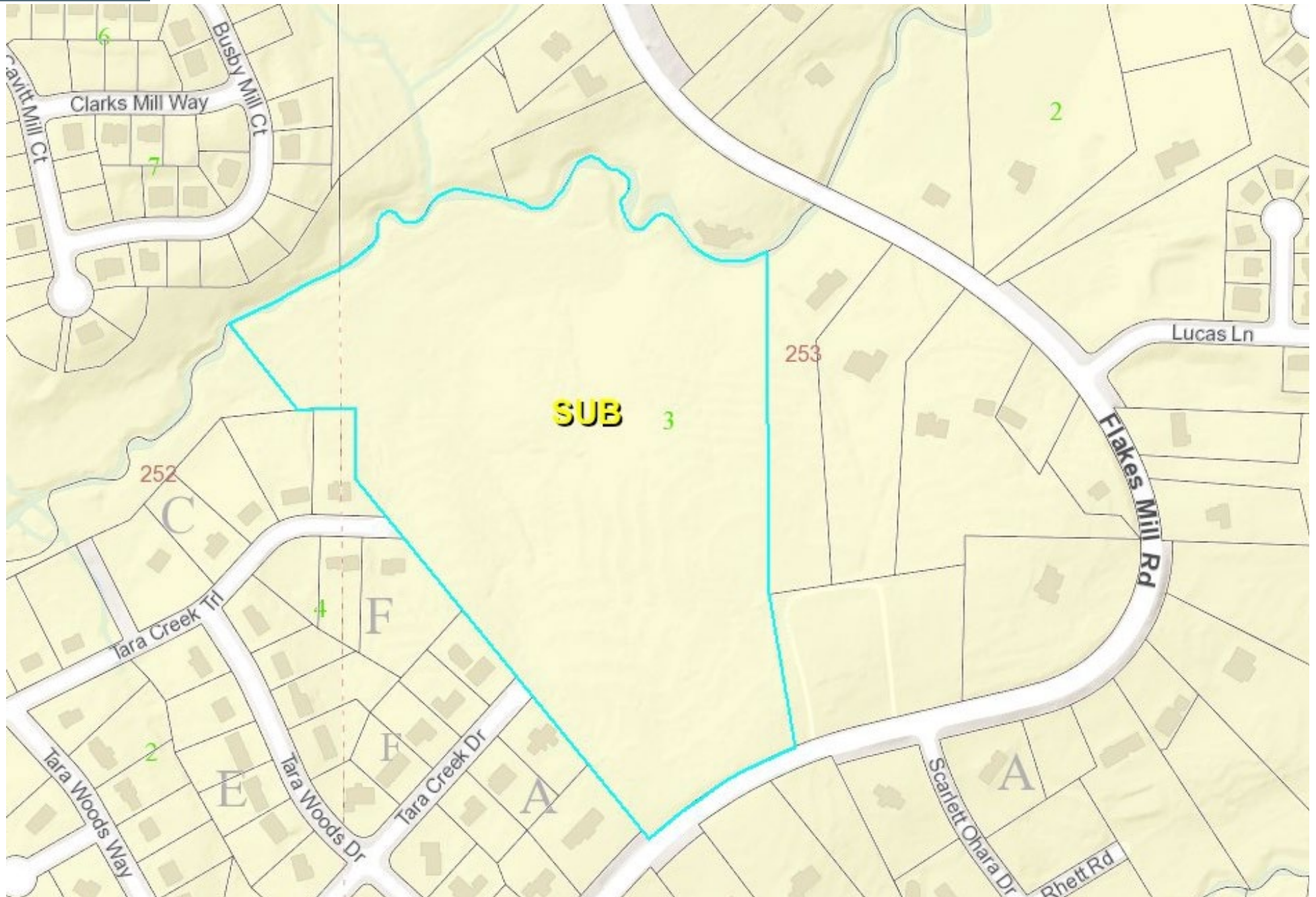
Green Giant Arborvitae















Subject Property



(left) Nearby Home on Flakes Mill Road



(right) Nearby Homes on Tara Creek Trail