

DEPARTMENT OF PLANNING & SUSTAINABILITY

Planning Commission Hearing Date: May 6, 2025
Board of Commissioners Hearing Date: May 22, 2025

STAFF ANALYSIS

Case No.:	Z-25-1247420	Agenda #: 2025-0285
Address:	4743 Flat Shoals Parkway, Decatur, GA 30034	Commission District: 03 Super District: 07
Parcel ID(s):	15-061-03-001	
Request:	Rezone property from O-I (Office-Institution) zoning district to MR-1 (Medium Density Residential) zoning district to allow for the development of up to 74 residential units consisting of townhomes and urban single-family detached homes.	
Property Owner(s):	Daterco, Inc.	
Applicant/Agent:	Blue River Development, LLC c/o Battle Law, P.C.	
Acreage:	17.52 acres	
Existing Land Use:	Vacant Land	
Surrounding Properties:	North: NS (Neighborhood Shopping), MU-1 (Mixed Use Low Density) East: C-1 (Local Commercial), R-100 (Residential Medium Lot-100), NS South: R-100, C-1 West: RSM (Residential Small Mix), MR-1 (Medium Density Residential-1)	
Comprehensive Plan:	CRC (Commercial Redevelopment Corridor) Consistent X Inconsistent	

Staff Recommendation: Approval with Conditions.

The applicant, Blue River Development, LLC c/o Battle Law, P.C., is seeking to rezone the subject site from OI (Office Institutional) to MR-1 (Medium Density Residential) for thirty-seven (37) urban single family detached units and 37 single-family attached units, for a total of seventy-four (74) units. Located in the southern part of DeKalb County, along Flat Shoals Parkway and Wesley-Chapel/Flakes Mill Road. In 2021, DR Horton proposed a one hundred and twenty (120) townhome development on the same subject site, however, that application was withdrawn due to community opposition to the higher density.

The 74-unit residential development is a density of approximately four (4) units per acre, well below both MR-1 maximum densities (8 units per acre) and the CRC (Commercial Redevelopment Corridor) Character Area (30 units per acre). The subject site is located along a major arterial (Flat Shoals Parkway) just before a commercial node at the intersection of Wesley Chapel and Flakes Mill Road. The proposed zoning district (MR-1) is appropriate given the mix of medium density zoning districts in the surrounding

area and growing need for more commercial businesses. MR-1 is consistent with the intent of the CRC and is suitable in view of the use and development adjacent to the subject site. CRC indicates a need for improved function, aesthetic appeal, connectivity, and encourages a higher density (30 u/acre) than what is being proposed (4 u/acre) (*DeKalb 2050 Unified Plan, Pg. 39*). Additionally, the subject site is in the *Flat Shoals MALP* (Master Active Living Plan). The MALP's goal is to improve non-vehicular connectivity between neighborhoods and activity centers, and to encourage mixed use, compact, interconnected streets, multi-modal accessibility, and increased public space. The residential infill proposal incorporates a grid street pattern, two different housing types, multiple alleyways, and a pocket park. This

MALP Study Area – Conceptual Drawing



design supports a compact development, as stated within the MALP goals and objectives. The mix of Urban Single Family Detached (USFD) and Single Family Attached (SFA) units compliments the surrounding area's suburban nature while still incorporating additional density and housing types. Arguably, a better vision than what was proposed for the site by the MALP plan which neglected to incorporate grid street patterns (see MALP Study Area Concept Plan).

Site Plan Review (Concept Plan C-1.0, dated 2/11/25):

The site plan appears to comply with most of Section 27-2.11.1 – *Dimensional Requirements* for MR-1. However, because of the following deficiencies, variances may need to be sought.

- **Rear Setback for SFA Alley Drives:** The conceptual plan does not include alley drive details. SFA units along the alley(s) do not appear to meet the 10-foot rear setback requirement.
- **Open Space:** It is unclear whether the site meets the required 20% open space requirement.

Design and Connectivity Considerations:

- Typically, Staff would recommend re-orienting the sixteen (16) detached units fronting Flat Shoals Parkway closer to the street to enhance connectivity. However, given Flat Shoals Parkway is a major arterial, the suburban nature of the surrounding community, and the proposed compact pedestrian-oriented design, this may not be appropriate. However, a 20-foot streetscape zone is required per *Section 27-5.4.3 – Streetscape Elements and Dimensions (Table 5.1)*.
- The applicant did not provide streetscape dimensions along Flat Shoals Parkway or Woodberry Parkway (local road).

Landscaping and Buffers:

- Fencing is required per *Section 27-5.4.7(B)(1B) –Berm with Planted Buffer*. However, since the site is heavily wooded with mature evergreen trees, Staff recommends preserving the existing tree canopy along Flat Shoals Parkway to serve as a natural buffer for the 16 detached units.
- A transitional buffer is only required along the southwestern property line adjacent to R-100 zoning district. This buffer appears to be included in the site plan. There is no transitional buffer required along the eastern boundary along the RSM zoning district.

Additional Staff Recommendations:

- Staff recommends more consideration of enhanced open space surrounding the detention pond located in the southwestern corner of the site, to comply with *Section 5.4.6 Screening (E)* which requires screening around detention facilities.
- Staff recommends provision of a pedestrian connection to the Publix grocery store located directly west of the subject site to promote walkability and connectivity. This would further support public health goals and access to service(s), all of which support the intent of the *MALP* and community concerns of increased traffic.

The proposed density of 4 units per acre is consistent with the maximum densities allowed by the CRC character area, the MALP compact development goals, and the existing development pattern along Flat Shoals Parkway. The proposal would also provide an opportunity to connect a residential development to the commercial node west of the property. Upon review of *27-7.3.5 (A-H)*, Staff recommends “*Approval with conditions*” as the proposal demonstrates appropriate compatibility, presents a dense and interconnected design, and supports the intent of the MALP.

Z-25-1247420

Staff Recommended Conditions 04/21/2025

4743 Flat Shoals Parkway

Decatur, GA 30034

1. Preserve the existing tree canopy along Flat Shoals Parkway to serve as a natural buffer for the 16 detached units rather than installing a fence per requirements in *Section 27-5.4.7(B)(1B) – Berm with Planted Buffer*.
2. Provide sidewalks along Woodberry Road and Flat Shoals Parkway per *Section 27-5.4.3 – Streetscape Elements and Dimensions (Table 5.1)*.
3. Facades facing a street must comply with *Section 27-5.7.6 (I) –Single Family Attached and 5.7.5 (J, K, L) Single Family Detached* (porches and fenestration) regardless of renderings submitted in the rezoning application (Z-25-1247420).
4. The site plan is conceptual, however, the road connectivity and access to alley way shall be maintained or expanded. Alterations to the site plan (*Concept Plan C-1.0, dated 2/11/25*) to better support other compact pedestrian-oriented improvements, such as, a connection to the Publix grocery store or enhanced open space around the stormwater detention facilities, subject to approval of the Planning Director.
5. This development is adjacent to planned MARTA service along Flat Shoals Parkway. The developer must coordinate with MARTA to ensure proper pedestrian access between the development and planned bus stops prior to a Certificate of Occupancy (CO).
6. Approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
Lorraine Cochran-Johnson

Interim Director
Cedric G. Hudson, MCRP

ZONING COMMENTS – MAY 2025

N1-2025-0283 Z-25-1247358 (1619 Pleasant Hill Trl & 7850 Pleasant Hill Rd): 149 units. Pleasant Hill Trail appears to be an unimproved right of way (not abandoned) in the proposed project area (per GIS Map)- classified as local. Verify ownership. If determined to be an unimproved public right of way, infrastructure improvements noted in Zoning Code 5.4.3 and Land Development Code 14-190 are required. This project requires 2 access points- ensure phasing meets required access points at any given time since connecting to other developments. Ensure that there are enough access points to service the entire system when all developments are complete (i.e.- this development cannot put the other developments that it is connecting to out of compliance for number of access points). Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. All interior streets require a right of way dedication of 55 feet. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). All intersections must meet AASHTO sight distance requirements.

N2-2025-0285 Z-25-1247420 (4743 Flat Shoals Pkwy): 79 Units. 4743 Flat Shoals Parkway. Flat Shoals Parkway is SR 155 and classified as a major arterial. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Interior streets to be private. General: no poles to remain in sidewalk/path. All intersections must meet AASHTO sight distance requirements.

N3-2025-0286 CZ-25-1247427 (1816 Candler Road); and N4-2025-0287 Z-25-1247428 (3221 Glenwood Road): I-20 Overlay District, Tier 2. Seek guidance from the overlay planner for required infrastructure improvements. Candler Road is SR 155 and a major arterial. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Where the overlay is silent: Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Glenwood Road is classified as a minor arterial. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Glenhill Place is classified as a local road. Discussions need to be held about approval of truck entrance on this road. No approval of truck entrance without the direct approval of Planning and Development and the Transportation Division. Would prefer truck traffic from Glenwood Rd or Candler Rd (both truck routes). If permission is granted, the entire roadway section (including pavement section) will need to be brought up to current standards to accommodate truck traffic. Requires a right of way dedication of 55 feet. Requires a 6-foot landscape strip with a 5-foot sidewalk. Requires streetlights. (hefowler@dekalbcountyga.gov). Lane widths and other design factors must be designed for truck traffic. General: no poles to remain in sidewalk/path. All intersections must meet AASHTO sight distance requirements.

N5-2025-0288 Z-25-1247426; and N6-2025-0289 SLUP-25-1247425 (5346 O'Malley Lane): No parking within 100 feet of the intersection.

N7-2025-0291 SLUP-25-1247431 (2667 Candler Woods Court): No on-street parking allowed.

N8-2025-0292 SLUP-25-1247429 (3574 Boring Road): No on-street parking allowed.

N9-2025-0293 SLUP-25-1247395 (2615 Shallowford Road): No comments.

N10-2025-0295 SLUP-25-1247423; and N11-2025-0296 SLUP-25-1247424:

Memorial Drive is a state route. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov). If a land development permit is required: Memorial Drive is a major arterial. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Along all frontage of SR 155: Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles to remain in the sidewalk/path. All intersections must meet AASHTO sight distance requirements.



3/5/2025

To: Ms. LaSondra Hill, Planning Manager
From: Ryan Cira, Director
Cc: Alan Gaines, Duty Director
Re: Rezone Application Review

General Comments:

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

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

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

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

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

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



N1 2025-0283

Z-25-1247358 16 197 02 009 & 16 220 01 001

1619 Pleasant Hill Trail & 7850 Pleasant Hill Road, Lithonia, GA 30058

Amendment

- Please review the general comments.
- No septic indicated for this property.

N2 2025-0285

Z-25-1247420 15 061 03 001

4743 Flat Shoals Parkway, Decatur, GA 30034

Amendment

- Review general comments
- No septic indicated.

N3 2025-0285

CZ-25-1247427 15 170 13 030

1816 Glenwood Road, Decatur, GA 30032

Amendment

- Review general comments
- No septic indicated for this property.

**DeKalb County School District
Development Review Comments**

Analysis Date: 3/5/2025

Submitted to: DeKalb County

Case #: Z-25-1247420

Parcel #: 15 061 03 001

Name of Development: Blue River Development, LLC

Location: 4743 Flat Shoals Parkway, Decatur, GA 30034

Description: Rezoning request to allow for development of 74 single-family attached/detached.

Impact of Development: When fully constructed, this development would be expected to generate 36 students: 11 at Bob Mathis Elementary School, 4 at Chapel Hill Middle School, 14 at Southwest DeKalb High School, 6 at other DCSD schools, and 1 at private school. The additional homes are not expected to have a significant impact on the neighborhood schools.

	Bob Mathis Elementary School	Chapel Hill Middle School	Southwest DeKalb High School	Other DCSD Schools	Private Schools	Total
Current Condition of Schools						
Capacity	480	1,140	1,922			
Portables	0	0	0			
Enrollment (Oct 2024)	363	611	1,230			
Seats Available	117	529	692			
Utilization (%)	75.6%	53.6%	64.0%			
New students from development	11	4	14	6	1	36

New Enrollment	374	615	1,244
New Seats Available	106	525	678
New Utilization	77.9%	53.9%	64.7%

	Attend Home School	Attend other DCSD School	Private School	Total
Yield Rates				
Elementary	0.1393	0.0492	0.0000	0.1885
Middle	0.0574	0.0082	0.0000	0.0656
High	0.1721	0.0164	0.0082	0.1967
Total	0.3689	0.0738	0.0082	0.4508
Student Calculations				
Proposed Units Unit Type Cluster	79			
	Mixed			
	Southwest DeKalb High School			
	Attend Home School	Attend other DCSD School	Private School	Total
Units x Yield				
Elementary	11.01	3.89	0.00	14.90
Middle	4.53	0.65	0.00	5.18
High	13.60	1.30	0.65	15.55
Total	29.14	5.84	0.65	35.63
	Attend Home School	Attend other DCSD School	Private School	Total
Anticipated Students				
Bob Mathis Elementary School	11	4	0	15
Chapel Hill Middle School	4	1	0	5
Southwest DeKalb High School	14	1	1	16
Total	29	6	1	36



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

- **Storm Water Management**

- **Flood Hazard Area/Wetlands**

- **Landscaping/Tree Preservation**

- **Tributary Buffer**

- **Fire Safety**



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

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**REZONE
COMMENTS FORM:**

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: _____ Parcel I.D. #: _____

Address: _____

Drainage Basin: _____

Upstream Drainage Area: _____

Percent of Property in 100-Year Floodplain: _____

Impact on property (flood, erosion, sedimentation) under existing zoning: _____

Required detention facility(s): _____

COMMENTS:

Signature: Akin A. Akinsola



DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM

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

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-25-1247420 Parcel I.D. #s: 15-061 03 001
Address: 4743 Flat Shoals Parkway
Decatur, Ga. 30034

Adjacent Roadway (s):

(classification) (classification)

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

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

Please provide additional information relating to the following statement.

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

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

COMMENTS: Did not see any traffic engineering concerns
at this time.

Signature: Jerri R. Russell



**DEKALB COUNTY
GOVERNMENT PLANNING
DEPARTMENT DISTRIBUTION
FORM**

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

**COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER**

Case No.: _____ **Parcel I.D. #:** _____

Address: _____

WATER:

Size of existing water main: _____ (adequate/inadequate)

Distance from property to nearest main: _____ **Size of line required, if inadequate:** _____

SEWER:

Outfall Servicing Project: _____

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

Water Treatment Facility: _____ adequate _____ inadequate _____

Sewage Capacity: _____ (MGPD) **Current Flow:** _____ (MGPD)

COMMENTS:

Signature: _____



MARTA May 2025 Case Comments

D1-2024-1496 CZ-25-1246771 4015 Flat Shoals Pkwy:

This development is adjacent to existing service along Columbia Drive and also fronts planned MARTA service along Flat Shoals Parkway. We recommend that a condition for rezoning be that the developer must coordinate with MARTA to ensure proper pedestrian access between the development and existing and planned bus stops.

N2-2025-0285 Z-25-1247420 4743 Flat Shoals Pkwy:

This development is adjacent to planned MARTA service along Flat Shoals Parkway. We recommend that a condition for rezoning be that the developer must coordinate with MARTA to ensure proper pedestrian access between the development and planned bus stops.

N3-2025-0286 CZ-25-1247427 1816 Candler Road:

This property is adjacent to existing MARTA service as well as the planned Candler Road Arterial Rapid Transit project. While no ART stops are planned in front of this parcel on Candler Road, there will be an increased pedestrian demand for this location due to proximity to improved transit. Sidewalks and driveways for the development should be carefully designed with ped access and safety in mind. Developer should coordinate with MARTA during design phase.

N4-2025-0287 Z-25-1247428 3221 Glenwood Road:

This location is adjacent to existing MARTA service for Route 107. Due to this and proximity to the planned Candler Road Arterial Rapid Transit project, there will be an increased pedestrian demand for this location. Sidewalks and driveways for the development should be carefully designed with ped access and safety in mind. Developer should coordinate with MARTA during design phase.

DEPARTMENT OF PLANNING & SUSTAINABILITY

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

Date Received: _____ Application No: _____

Applicant Name: _____

Applicant E-Mail Address: _____

Applicant Mailing Address: _____

Applicant Daytime Phone: _____ Fax: _____

Owner Name: _____

If more than one owner, attach list of owners.

Owner Mailing Address: _____

Owner Daytime Phone: _____

Address of Subject Property: _____

Parcel ID#: _____

Acreage: _____ Commission District: _____

Present Zoning District(s): _____

Proposed Zoning District: _____

Present Land Use Designation: _____

Proposed Land Use Designation (if applicable): _____

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric G. Hudson, MCRP

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: _____ Phone: _____ Email: _____

Property Address: _____

Tax Parcel ID: _____ Comm. District(s): _____ Acreage: _____

Existing Use: _____ Proposed Use: _____

Supplemental Regs: _____ Overlay District: _____ DRI: _____

Rezoning: Yes _____ No _____

Existing Zoning: _____ Proposed Zoning: _____ Square Footage/Number of Units: _____

Rezoning Request: _____

Land Use Plan Amendment: Yes _____ No _____

Existing Land Use: _____ Proposed Land Use: _____ Consistent _____ Inconsistent _____

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

Special Land Use Request(s): _____

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified:

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

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

Review of Site Plan

Density: _____ Density Bonuses: _____ Mix of Uses: _____ Open Space: _____
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: _____

Comments: _____

Planner: _____ Date: _____

FILING FEES

REZONING:	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
LAND USE MAP AMENDMENT		\$500.00
SPECIAL LAND USE PERMIT		\$400.00

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric G. Hudson

PRE-APP FORM ADDITIONAL COMMENT PAGE, IF NEEDED

APPLICANT: _____

ADDRESS/PARCEL: _____

COMMENTS: _____

PLANNER: _____

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

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

Date: Feb. 12, 2025

TO WHOM IT MAY CONCERN:

(I) (WE) Daterco, Inc.

Name of owner(s)

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

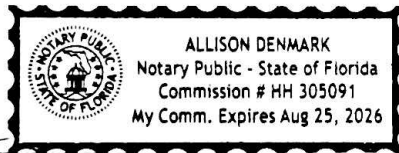
Blue River Development, LLC & Battle Law, P.C.

Name of Agent or Representative

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



Notary Public



Daterco, Inc.

By: James L. Terry
Owner

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

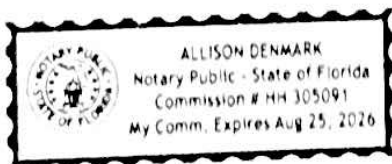
Yes ☐ No ☒ *

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

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

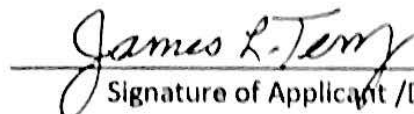
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.


Notary



August 25, 2026
Expiration Date/ Seal

Daterco, Inc.


Signature of Applicant /Date

Check one: Owner ☒ Agent ☐

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

Yes ____ No X*

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

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

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

Blue River Development, LLC

By:  2/13/25

Signature of Applicant /Date

Dalton Durier
Director

Check one: Owner _____ Agent ✓

Notary

Expiration Date/ Seal

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



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes XX No _____ *

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

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

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

Notary

Signature of Applicant /Date

Check one: Owner _____ Agent XX



Expiration Date/ Seal

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

DEKALB COUNTY, GA

Campaign Contribution Disclosure Statements

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

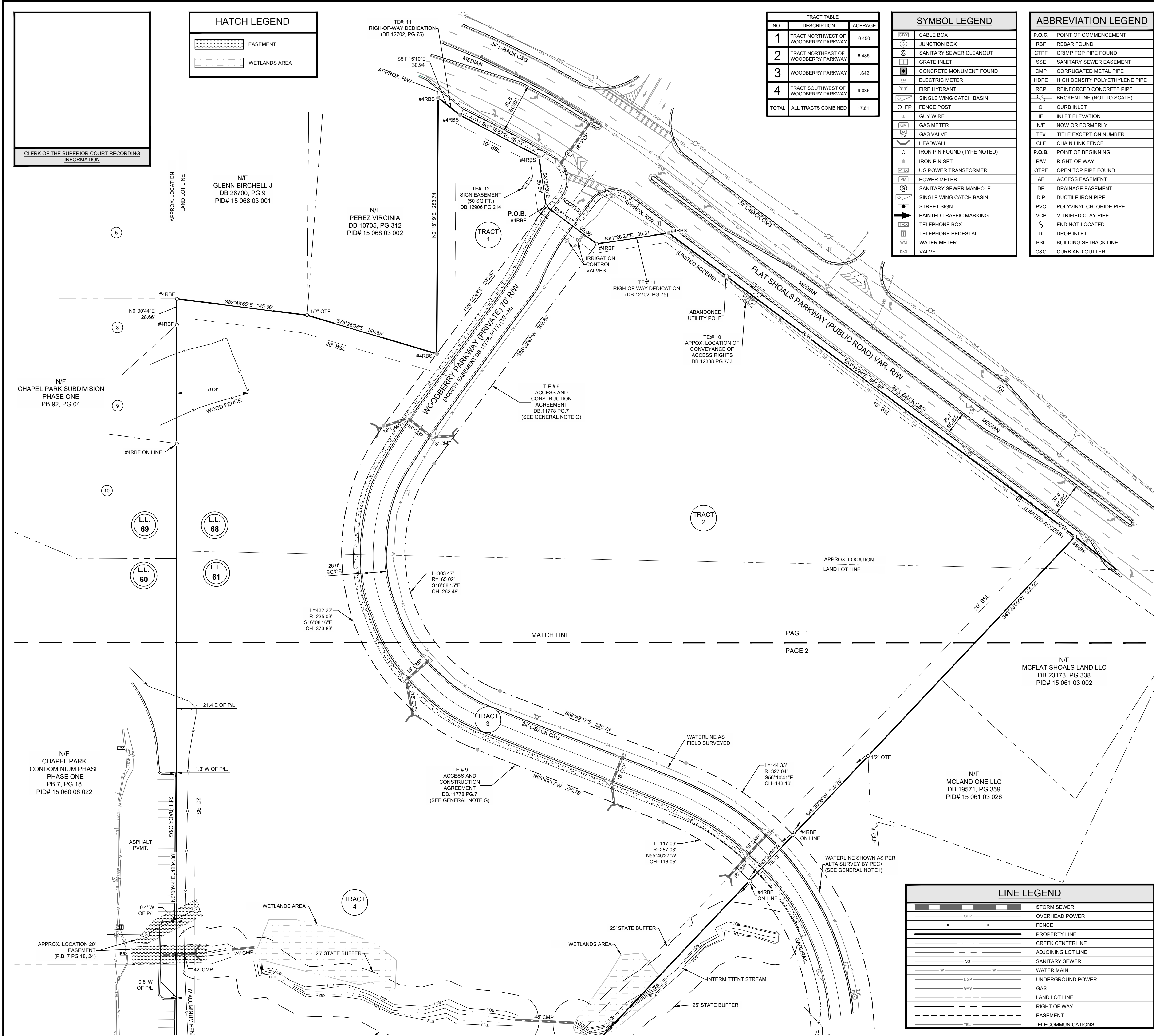
Pursuant to the provisions of 36 O.C.G.A. 67(A), please find below a list of those contributions made by Michele L. Battle and Battle Law, P.C. in the past two years, aggregating \$250.00 or more, to local government officials who will consider this application.

NAME OF GOV'T OFFICIAL	OFFICIAL POSITION	AMOUNT OF CONTRIBUTION
Mereda Davis Johnson	Commissioner	\$1000
Nicole Massiah	Commissioner	\$2000
LaDena Bolton	Commissioner	\$500
Chakira Johnson	Commissioner	\$500
Ted Terry	Commissioner	\$500
Robert Partrick	Commissioner	\$500

By: 

Printed Name: _____

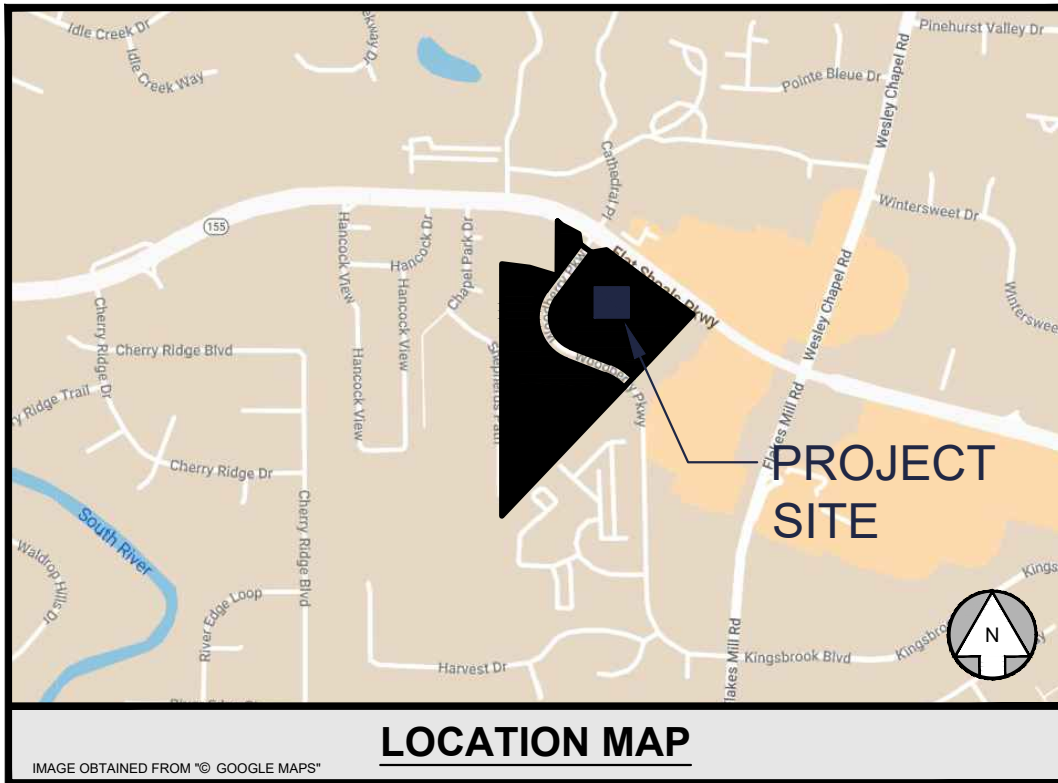
Drawing name: C:\Users\olm\Desktop\02970004.000 - FLAT SHOALS PKWY ALTA UPDATE 0225.dwg ALTA SHEET 1 (24X36) Feb 12, 2025 11:43am by: ndell



TRACT TABLE		
NO.	DESCRIPTION	ACERAGE
1	TRACT NORTHWEST OF WOODBERRY PARKWAY	0.450
2	TRACT NORTHEAST OF WOODBERRY PARKWAY	6.485
3	WOODBERRY PARKWAY	1.642
4	TRACT SOUTHWEST OF WOODBERRY PARKWAY	9.036
TOTAL	ALL TRACTS COMBINED	17.61

SYMBOL LEGEND	
	CABLE BOX
	JUNCTION BOX
	SANITARY SEWER CLEANOUT
	GRATE INLET
	CONCRETE MONUMENT FOUND
	ELECTRIC METER
	FIRE HYDRANT
	GAS VALVE
	HEADWALL
	IRON PIN FOUND (TYPE NOTED)
	IRON PIN SET
	UG POWER TRANSFORMER
	POWER METER
	SANITARY SEWER MANHOLE
	SINGLE WING CATCH BASIN
	STREET SIGN
	PAINTED TRAFFIC MARKING
	TELEPHONE BOX
	WATER METER PEDESTAL
	WATER METER
	VALVE

ABBREVIATION LEGEND	
P.O.C.	POINT OF COMMENCEMENT
RBF	REBAR FOUND
CTPF	CRIMP TOP PIPE FOUND
SSE	SANITARY SEWER EASEMENT
CMP	CORRUGATED METAL PIPE
HDPE	HIGH DENSITY POLYETHYLENE PIPE
RCP	REINFORCED CONCRETE PIPE
CLF	BROKEN LINE (NOT TO SCALE)
CI	CURB INLET
IE	INLET ELEVATION
NF	NOW OR FORMERLY
TE#	TITLE EXCEPTION NUMBER
CLF	CHAIN LINK FENCE
P.O.B.	POINT OF BEGINNING
R/W	RIGHT-OF-WAY
OTPF	OPEN TOP PIPE FOUND
AE	ACCESS EASEMENT
DE	DRAINAGE EASEMENT
DIP	DUCTILE IRON PIPE
PVC	POLYVINYL CHLORIDE PIPE
VCP	VITRIFIED CLAY PIPE
END NOT LOCATED	
DI	DROP INLET
BSL	BUILDING SETBACK LINE
C&G	CURB AND GUTTER



EXISTING SITE SPECIFIC NOTES:	
1.	THE STREAM CLASSIFICATIONS AND WETLANDS LOCATIONS SHOWN WERE TAKEN FROM SITE RECONNAISSANCE REPORT DATED MARCH 28, 2022, PREPARED BY NELSON ENVIRONMENTAL, INC. NO MARKINGS WERE FIELD LOCATED BY GASKINS + LECRAW, INC.

GEORGIA SURVEY NOTES:	
A.	THE FIELD WORK FOR THIS SURVEY WAS PERFORMED ON 02-07-2025. ANY CHANGES IN SITE CONDITIONS AFTER THIS DATE ARE NOT REFLECTED ON THE SURVEY.
B.	THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 69,410 FEET, AN ANGULAR 1" SECOND PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
C.	HORIZONTAL DATUM IS BASED ON NAD 83, GEORGIA STATE PLANE COORDINATE SYSTEM, GEORGIA WEST ZONE, AS ESTABLISHED BY PERFORMING REDUNDANT RTK GPS OBSERVATIONS ON PRIMARY SURVEY CONTROL POINTS UTILIZING GPGS GNSS REAL TIME NETWORK USING TRIMBLE R12 GPS UNIT.
D.	THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 241,612.
E.	ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
F.	EQUIPMENT USED: TRIMBLE S6, TRIMBLE R12 BASE AND ROVER
G.	SOURCE OF TITLE: DATACOR INC., DEED BOOK 23275, PAGE 384.
H.	PROPERTY CORNERS SET (#4RBS) ARE 1/2 INCH REBAR WITH PLASTIC CAP STAMPED "G+L LSF 1371", UNLESS OTHERWISE NOTED.

GENERAL NOTES:	
A.	PROPERTY ADDRESS: 4743 FLAT SHOALS PARKWAY, DECATUR, GA 30034
B.	TAX PARCEL ID: 15 061 03 001
C.	THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOODPLAIN AND IS IN ZONE "X" ACCORDING TO F.E.M.A. FLOOD INFORMATION RATE MAP, COMMUNITY NUMBER: 130065, MAP NUMBER: 13089C01614, DATED: MAY 16, 2013.
D.	LOCATION OF EXISTING UTILITIES ON OR SERVING THE PROPERTY IS SHOWN BY ABOVE GROUND VISIBLE EVIDENCE ONLY. OTHER BURIED STRUCTURES OR UTILITIES MAY EXIST ON THE PROPERTY.
E.	CURRENT ZONING: (O1) OFFICE INSTITUTION ZONING CLASSIFICATION IS BASED ON DEKALB COUNTY ZONING MAP
F.	ZONING: (O1) OFFICE INSTITUTION SETBACKS: MINIMUM FRONT - 10 FEET MINIMUM REAR - 20 FEET MINIMUM SIDE - 20 FEET MAXIMUM BUILDING HEIGHT - 70 FEET SOURCE OF SETBACK INFORMATION: MUNICODE.COM
G.	WOODBERRY PARKWAY ACCESS AND CONSTRUCTION EASEMENT (DEED BOOK 11778 PAGE 7) SHOWN HEREON BASED ON ALTA/NSPS LAND TITLE SURVEY PREPARED BY PLANNERS & ENGINEERS COLLABORATIVE + FOR DR HORTON HOMES & OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY. NO BEARING AND DISTANCE BASED DOCUMENT WAS PROVIDED.
H.	THE PROPERTY HAS DIRECT ACCESS TO A PUBLIC STREET KNOWN AS FLAT SHOALS ROAD WHICH IS A LIMITED ACCESS HIGHWAY.
I.	SOME WATERLINE SHOWN HEREON PULLED FROM ALTA/NSPS LAND TITLE SURVEY PREPARED BY PLANNERS & ENGINEERS COLLABORATIVE + FOR DR HORTON HOMES & OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

ALTA/NSPS LAND TITLE SURVEY CERTIFICATION:	
TO: BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, FIRST AMERICAN TITLE INSURANCE COMPANY AND NORTH COAST TITLE, LLC.	
THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 7(A), 7(B)(1), 8, 9, 13, 16, 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 02/07/25.	
DATE OF PLAT OR MAP: 02/11/25	
DEAN C. OLSON GEORGIA LAND SURVEYOR No. 2806 DATE: 02/11/25	

SURVEYOR'S CERTIFICATION	
(iii) THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.	
DEAN C. OLSON GEORGIA PLS No. 2806 DATE: 02/11/25	

PREPARED IN THE OFFICE OF:

© 2025 GASKINS + LECRAW, INC.
1266 POWDER SPRINGS RD SW
MARIETTA, GA 30064
PHONE - 770.424.7168
www.gaskinslecraw.com

LSF001371

REVISIONS:

NO.	DATE	BY	REVISION
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ALTA/NSPS LAND TITLE SURVEY:

BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, FIRST AMERICAN TITLE INSURANCE COMPANY AND NORTH COAST TITLE, LLC.

PROJECT LOCATION

4743 FLAT SHOALS PARKWAY, DECATUR

LOCATED IN LAND LOTS 61 AND 62 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA

CALL BEFORE YOU DIG

Know what's below.
Call before you dig.

SCALE & NORTH ARROW:

GRID NORTH, GEORGIA WEST ZONE

0' 25' 50' 100'

SCALE: 1" = 50'

SURVEY INFO:

DRAWN BY: NLD

REVIEWED BY: DCO

JOB #: 02970004.000

DATE: 02/11/2025

SHEET NUMBER

1 OF 2

Drawing name: C:\Users\ndall\Desktop\02970004-000 - FLAT SHOALS PKWY ALTA UPDATE 02/25/2025.dwg ALTA SHEET 2 (24X36) Feb 12, 2025 11:50am By: ndall

CLERK OF THE SUPERIOR COURT RECORDING
INFORMATION

ALTA/NSPS LAND TITLE SURVEY - TABLE "A" NOTES:

- MONUMENTS PLACED OR FOUND AS SHOWN ON SURVEY.
- ADDRESSES(ES) OF THE SURVEYED PROPERTIES FROM DEKALB COUNTY TAX ASSESSOR. SEE GENERAL NOTE A.
- FLOOD ZONE CLASSIFICATION SHOWN UNDER GENERAL NOTES C.
- GROSS LAND AREA AS SHOWN ON SURVEY.
- (A) NO ZONING REPORT PROVIDED. CURRENT ZONING SHOWN UNDER GENERAL NOTE E.
- (A) NO BUILDINGS WERE OBSERVED WHILE CONDUCTING FIELD WORK.
- (B) (1) NO BUILDINGS WERE OBSERVED WHILE CONDUCTING FIELD WORK.
- SUBSTANTIAL FEATURES OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK (IN ADDITION TO THE IMPROVEMENTS AND FEATURES REQUIRED PURSUANT TO SECTION 5 ABOVE) ARE SHOWN ON SURVEY.
- NO PARKING SPACES OBSERVED AT THE TIME OF FILED WORK.
- NAMES OF ADJOINING OWNERS ACCORDING TO CURRENT TAX RECORDS ARE SHOWN FROM DEKALB COUNTY GIS.
- NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

TITLE EXCEPTIONS - SCHEDULE B-II

- NORTH COAST TITLE, LLC.
COMMITMENT NUMBER: 24-0389
COMMITMENT DATE: OCTOBER 14, 2024
- EXCEPTIONS PER TITLE COMMITMENT (SURVEYORS COMMENTS IN BOLD)
- ALL MATTERS AS SHOWN ON THAT CERTAIN ALTA/NSPS LAND TITLE SURVEY FOR BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC AND FIRST AMERICAN TITLE INSURANCE COMPANY PREPARED BY _____, GEORGIA RLS # _____, DATED _____.
 - COMMENT: AFFECTS SUBJECT PROPERTY, ALL MATTERS SHOWN.**
 - ACCESS AND CONSTRUCTION EASEMENT AGREEMENT BETWEEN CHAPEL HILL, INC., A GEORGIA CORPORATION, FOCUS WOODBERRY LLC, A GEORGIA LIMITED LIABILITY COMPANY AND HARVEST DRIVE LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED DECEMBER 22, 2000, FILED DECEMBER 27, 2000 AND RECORDED IN DEED BOOK 11778, PAGE 7, RECORDS OF THE SUPERIOR COURT OF DEKALB COUNTY, GEORGIA; AS AFFECTED BY SCRIVENERS AFFIDAVIT, DATED JANUARY 31, 2001, FILED FEBRUARY 2, 2001 AND RECORDED IN DEED BOOK 11840, PAGE 347, AFORESAID RECORDS.
 - COMMENT: AFFECTS SUBJECT PROPERTY; NOT PLOTTABLE. REFERENCED DOCUMENT ILLEGIBLE.**
 - CONVEYANCE OF ACCESS RIGHTS BY AND BETWEEN GENERAL BUILDERS, INC. AND THE DEPARTMENT OF TRANSPORTATION, DATED MAY 23, 2001, FILED AUGUST 1, 2001 AND RECORDED IN DEED BOOK 12338, PAGE 733, AFORESAID RECORDS; AS AFFECTED BY QUITCLAIM DEED OF ACCESS RIGHTS FROM THE DEPARTMENT OF TRANSPORTATION TO GENERAL BUILDERS, INC., DATED NOVEMBER 26, 2001, FILED NOVEMBER 28, 2001 AND RECORDED IN DEED BOOK 12881, PAGE 27, AFORESAID RECORDS.
 - COMMENT: AFFECTS SUBJECT PROPERTY; APPROXIMATE LOCATION DRAWN FROM SCANNED PDF SHOWN HERE ON.**
 - RELINQUISHMENT OF ACCESS RIGHTS (EXCEPT WHERE DESIGNATED BY THE DEPARTMENT OF TRANSPORTATION) AND EASEMENTS AS CONTAINED IN THAT CERTAIN RIGHT OF WAY DEED FROM GENERAL BUILDERS, INC. TO THE DEPARTMENT OF TRANSPORTATION, DATED DECEMBER 4, 2001, FILED DECEMBER 4, 2001 AND RECORDED IN DEED BOOK 12702, PAGE 75, AFORESAID RECORDS.
 - COMMENT: AFFECTS SUBJECT PROPERTY, SHOWN GRAPHICALLY.**
 - EASEMENT AGREEMENT FROM LIONEL EDISON WARRANT TO THE CITY OF POWDER SPRINGS, DATED SEPTEMBER 29, 1998, FILED FOR RECORD DECEMBER 23, 1998, RECORDED IN DEED BOOK 12020, PAGE 25, AFORESAID RECORDS.
 - COMMENT: AFFECTS SUBJECT PROPERTY, SHOWN GRAPHICALLY.**

EXHIBIT "A"

TITLE COMMITMENT RECORD PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING IN LAND LOTS 61 AND 68 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN CORNER ON THE SOUTHWEST SIDE OF FLAT SHOALS ROAD AS PRESENTLY LOCATED 295.66 FEET SOUTHEASTERLY FROM THE POINT WHERE THE SOUTHWESTERLY SIDE OF FLAT SHOALS ROAD IS INTERSECTED BY THE WEST LINE OF SAID LAND LOT 68; AND RUNNING THENCE SOUTH 1 DEGREE 17 MINUTES 01 SECONDS EAST, ALONG THE EAST LINE OF THE SMALL PROPERTY, 290.01 FEET TO AN IRON PIN CORNER; THENCE RUNNING NORTH 75 DEGREES 14 MINUTES 02 SECONDS WEST ALONG THE SOUTH LINE OF THE SMALL PROPERTY, 149.87 FEET TO AN IRON PIN CORNER; THENCE RUNNING NORTH 84 DEGREES 24 MINUTES 52 SECONDS WEST, ALONG THE SOUTH LINE OF THE STONE PROPERTY, 145.41 FEET TO AN IRON PIN ON THE WEST LINE OF SAID LOT 68; RUNNING THENCE SOUTH 1 DEGREE 36 MINUTES 01 SECONDS EAST, ALONG THE WEST LINE OF LOT 68, AND THE WEST LAND LOT 61, 1,313.12 FEET TO AN IRON PIN CORNER; THENCE RUNNING NORTH 41 DEGREES 54 MINUTES 19 SECONDS EAST ALONG THE LINE OF PROPERTY OF SILVER THATCH MANAGEMENT CO., 1,112.55 FEET TO AN IRON PIN CORNER; THENCE RUNNING NORTH 41 DEGREES 43 SECONDS 49 SECONDS EAST ALONG THE CORNER PROPERTY, 332.83 FEET TO AN IRON PIN ON THE NEW RIGHT OF WAY OF FLAT SHOALS ROAD, THENCE RUNNING NORTH 54 DEGREES 47 MINUTES WEST ALONG SAID RIGHT OF WAY, 665.4 FEET TO AN IRON PIN CORNER ON SAID RIGHT OF WAY; THENCE CONTINUING NORTHWESTERLY ALONG SAID RIGHT OF WAY ALONG AN ARC MEASURING 216.67 FEET, SAID ARC BEING SUBTENDED BY A CHORD RUNNING NORTH 62 DEGREES 06 MINUTES 54 SECONDS WEST A DISTANCE OF 216.08 FEET TO AN IRON PIN CORNER AT THE POINT OF BEGINNING, CONTAINING 17.80 ACRES ACCORDING TO SURVEY MADE FOR CHAPEL HILL, INC. ON MARCH 21, 1987, BY LAND DEVELOPING CO., SURVEYORS; AND

LESS AND EXCEPT ANY PORTION OF THE PROPERTY SET FORTH ABOVE CONTAINED WITHIN THAT CERTAIN RIGHT OF WAY DEED FROM GENERAL BUILDERS, INC. TO THE DEPARTMENT OF TRANSPORTATION, DATED DECEMBER 4, 2001, FILED DECEMBER 4, 2001 AND RECORDED IN DEED BOOK 12702, PAGE 75, RECORDS OF THE SUPERIOR COURT OF DEKALB COUNTY, GEORGIA.

N/F
CHAPEL PARK
CONDOMINIUM PHASE ONE
PB 7, PG 18
PID# 15 060 06 022

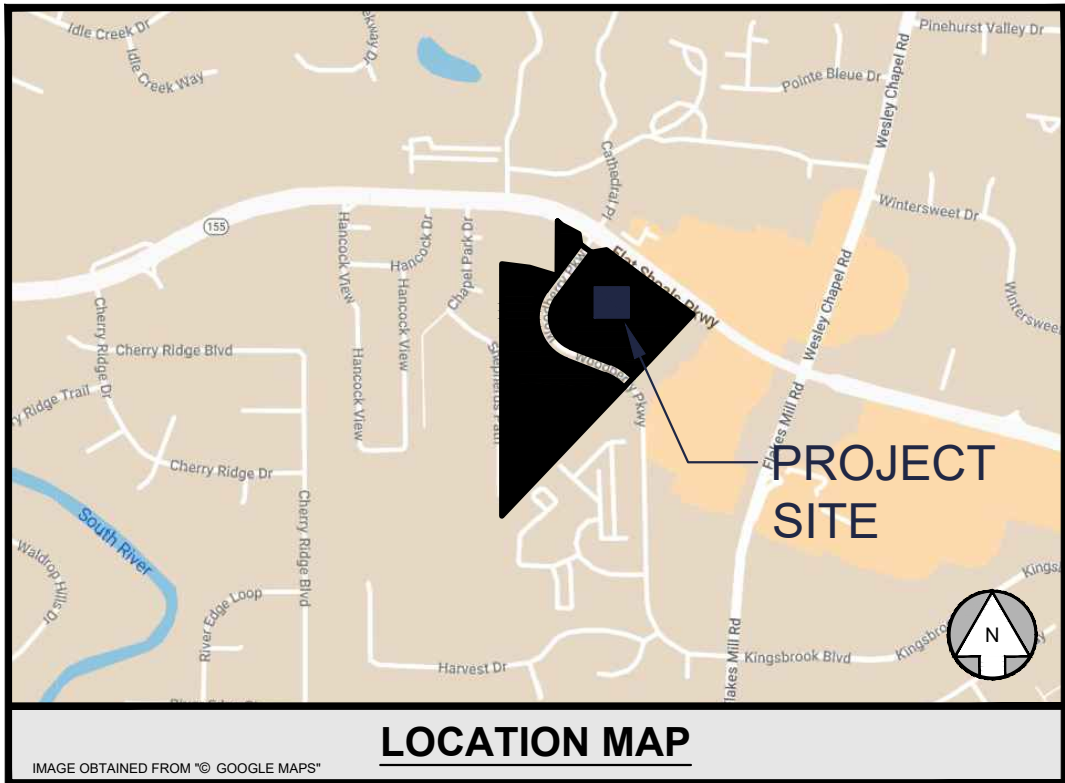
N/F
CHAPEL PARK CONDOMINIUM
ASSOCIATION
PHASE TWO
PB 7, PG 25
PID# 15 060 06 051

N/F
CHAPEL PARK CONDOMINIUM
ASSOCIATION
PHASE TWO
PB 7, PG 24
PID# 15 060 06 080

MATCH LINE

PAGE 1

PAGE 2



SURVEYED PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 61 AND 68 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE SOUTHERN END OF THE NORTHWESTERLY MITERED RIGHT-OF-WAY LINE OF WOODBERRY PARKWAY (PRIVATE 70' R/W) AND FLAT SHOALS PARKWAY (PUBLIC VARIABLE R/W);

THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE OF FLAT SHOALS PARKWAY THE FOLLOWING 3 COURSES AND DISTANCES: SOUTH 53 DEGREES 24 MINUTES 17 SECONDS EAST A DISTANCE OF 69.96 FEET TO A 1/2-INCH REBAR FOUND, NORTH 81 DEGREES 28 MINUTES 29 SECONDS EAST A DISTANCE OF 80.31 FEET TO A 1/2-INCH REBAR WITH CAP SET AND SOUTH 53 DEGREES 15 MINUTES 24 SECONDS EAST A DISTANCE OF 561.99 FEET TO A 1/2-INCH REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING ALONG THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTHWEST AND MFLAT SHOALS LAND LLC (AS PER DEED BOOK 23173, PAGE 338, DEKALB COUNTY, GEORGIA RECORDS) AND MCLAND ONE LLC (AS PER DEED BOOK 23173, PAGE 338, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTHEAST AND SOUTHEAST RESPECTIVELY, SOUTH 43 DEGREES 20 MINUTES 09 SECONDS WEST A DISTANCE OF 333.92 FEET TO A 1/2-INCH OPEN TOP PIPE FOUND;

THENCE RUNNING ALONG THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTHWEST AND FREG PARKWAY GRAND ASSOCIATES LLC (AS PER DEED BOOK 26500, PAGE 16, DEKALB COUNTY, GEORGIA RECORDS) TO THE SOUTHEAST, SOUTH 43 DEGREES 30 MINUTES 06 SECONDS WEST A DISTANCE OF 1112.97 FEET TO A 1/2-INCH REBAR FOUND ON THE WEST LINE OF LAND LOT 61;

THENCE RUNNING NORTHERLY ALONG THE WEST LINE OF LAND LOT 61 AND THE WEST LINE OF LAND LOT 68, ALSO BEING THE DIVISION LINE OF DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE EAST AND CHAPEL PARK CONDOMINIUM PHASE TWO (AS PER PLAT BOOK 7, PAGE 24, DEKALB COUNTY, GEORGIA RECORDS) AND CHAPEL PARK CONDOMINIUM PHASE ONE (AS PER PLAT BOOK 7, PAGE 18, DEKALB COUNTY, GEORGIA RECORDS) TO THE WEST THE FOLLOWING 2 COURSES AND DISTANCES: NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST A DISTANCE OF 1284.88 FEET TO A 1/2-INCH REBAR FOUND AND THENCE NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST A DISTANCE OF 28.66 FEET TO A 1/2-INCH REBAR FOUND;

THENCE FOLLOWING THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE SOUTH AND BIRCHELL J. GLEEN (AS PER DEED BOOK 26700, PAGE 9, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTH, SOUTH 82 DEGREES 48 MINUTES 55 SECONDS EAST A DISTANCE OF 145.36 FEET TO A 1/2-INCH OPEN TOP PIPE FOUND;

THENCE RUNNING ALONG THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE SOUTH AND VIRGINIA PEREZ (AS PER DEED BOOK 10705, PAGE 312, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTH AND WEST RESPECTIVELY THE FOLLOWING 2 COURSES AND DISTANCES: SOUTH 73 DEGREES 26 MINUTES 08 SECONDS EAST A DISTANCE OF 149.89 FEET TO A 1/2-INCH REBAR WITH CAP SET AND THENCE NORTH 00 DEGREES 18 MINUTES 19 SECONDS EAST A DISTANCE OF 283.74 FEET TO A 1/2-INCH REBAR WITH CAP SET ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FLAT SHOALS PARKWAY (PUBLIC VARIABLE R/W); THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES AND DISTANCES: SOUTH 51 DEGREES 15 MINUTES 10 SECONDS EAST A DISTANCE OF 30.94 FEET TO A 1/2-INCH REBAR WITH CAP SET, SOUTH 62 DEGREES 18 MINUTES 57 SECONDS EAST A DISTANCE OF 98.73 FEET TO A 1/2-INCH REBAR WITH CAP SET, AND SOUTH 08 DEGREES 26 MINUTES 00 SECONDS EAST A DISTANCE OF 55.56 FEET TO A 1/2-INCH REBAR WITH CAP SET; SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINS 17.61 ACRES OR 767,224 SQUARE FEET MORE OR LESS.

ALTA/NSPS LAND TITLE SURVEY CERTIFICATION:

TO: BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, FIRST AMERICAN TITLE INSURANCE COMPANY AND NORTH COAST TITLE, LLC.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 7(A), 7(B)(1), 8, 9, 13, 16, 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 02/07/25.

DATE OF PLAT OR MAP: 02/11/25

Dean C. Olson
DEAN C. OLSON GEORGIA LAND SURVEYOR No. 2806 DATE: 02/11/25

SURVEYOR'S CERTIFICATION

(iii) THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Dean C. Olson
DEAN C. OLSON GEORGIA PLS No. 2806 DATE: 02/11/25

AS SURVEYOR FOR
GASKINS + LECRAW, INC.

TRACT TABLE		
NO.	DESCRIPTION	ACERAGE
1	TRACT NORTHWEST OF WOODBERRY PARKWAY	0.450
2	TRACT NORTHEAST OF WOODBERRY PARKWAY	6.485
3	WOODBERRY PARKWAY	1.642
4	TRACT SOUTHWEST OF WOODBERRY PARKWAY	9.036
TOTAL	ALL TRACTS COMBINED	17.61

HATCH LEGEND

	EASEMENT
	WETLANDS AREA

PREPARED IN THE OFFICE OF:



© 2025 GASKINS + LECRAW, INC.
1266 POWDER SPRINGS RD SW
MARIETTA, GA 30064
PHONE: 770.424.7168
www.gaskinslecraw.com

LSF001371

REVISIONS:

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ALTA/NSPS LAND TITLE SURVEY:
BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, FIRST AMERICAN TITLE INSURANCE COMPANY AND NORTH COAST TITLE, LLC.

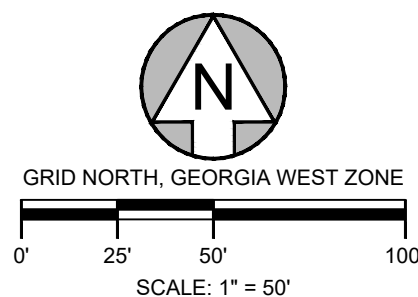
PROJECT LOCATION
4743 FLAT SHOALS PARKWAY, DECATUR
LOCATED IN LAND LOTS 61 AND 68 OF THE 15TH DISTRICT.
DEKALB COUNTY, GEORGIA

CALL BEFORE YOU DIG



Know what's below.
Call before you dig.

SCALE & NORTH ARROW:



SURVEY INFO:

DRAWN BY: NLD
REVIEWED BY: DCO
JOB #: 02970004.000
DATE: 02/11/2025

SHEET NUMBER

2 OF 2

TYPICAL TOWNHOUSE DETAIL
URBAN SINGLE-FAMILY
REAR LOADED
(LOTS 58-74)

SURVEYED PROPERTY DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 61 AND 68 OF THE 15TH DISTRICT OF DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR FOUND ON THE SOUTHERN END OF THE NORTHWESTERLY MITERED RIGHT-OF-WAY LINE OF WOODBERRY PARKWAY (PRIVATE 70' R/W) AND FLAT SHOALS PARKWAY (PUBLIC VARIABLE R/W);

THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE OF FLAT SHOALS PARKWAY THE FOLLOWING 3 COURSES AND DISTANCES: SOUTH 53 DEGREES 24 MINUTES 17 SECONDS EAST A DISTANCE OF 69.96 FEET TO A 1/2-INCH REBAR FOUND, NORTH 81 DEGREES 28 MINUTES 29 SECONDS EAST A DISTANCE OF 80.31 FEET TO A 1/2-INCH REBAR WITH CAP SET AND SOUTH 53 DEGREES 15 MINUTES 24 SECONDS EAST A DISTANCE OF 561.99 FEET TO A 1/2-INCH REBAR FOUND;

THENCE LEAVING SAID RIGHT-OF-WAY LINE AND RUNNING ALONG THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTHWEST AND MCFLAT SHOALS LAND LLC (AS PER DEED BOOK 23173, PAGE 338, DEKALB COUNTY, GEORGIA RECORDS) AND MCLAND ONE LLC (AS PER DEED BOOK 23173, PAGE 338, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTHEAST AND SOUTHEAST RESPECTIVELY, SOUTH 43 DEGREES 20 MINUTES 09 SECONDS WEST A DISTANCE OF 333.92 FEET TO A 1/2-INCH OPEN TOP PIPE FOUND;

THENCE RUNNING ALONG THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTHWEST AND FREG PARKWAY GRAND ASSOCIATES LLC (AS PER DEED BOOK 26500, PAGE 16, DEKALB COUNTY, GEORGIA RECORDS) TO THE SOUTHEAST, SOUTH 43 DEGREES 30 MINUTES 06 SECONDS WEST A DISTANCE OF 1112.97 FEET TO A 1/2-INCH REBAR FOUND ON THE WEST LINE OF LAND LOT 61;

THENCE RUNNING NORTHERLY ALONG THE WEST LINE OF LAND LOT 61 AND THE WEST LINE OF LAND LOT 68, ALSO BEING THE DIVISION LINE OF DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE EAST AND CHAPEL PARK CONDOMINIUM PHASE TWO (AS PER PLAT BOOK 7, PAGE 24, DEKALB COUNTY, GEORGIA RECORDS) AND CHAPEL PARK CONDOMINIUM PHASE ONE (AS PER PLAT BOOK 7, PAGE 18, DEKALB COUNTY, GEORGIA RECORDS) TO THE WEST THE FOLLOWING 2 COURSES AND DISTANCES: NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST A DISTANCE OF 1284.88 FEET TO A 1/2-INCH REBAR FOUND AND THENCE NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST A DISTANCE OF 28.66 FEET TO A 1/2-INCH REBAR FOUND;

THENCE FOLLOWING THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE SOUTH AND BIRCHELL J. GLEEN (AS PER DEED BOOK 26700, PAGE 9, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTH, SOUTH 82 DEGREES 48 MINUTES 55 SECONDS EAST A DISTANCE OF 145.36 FEET TO A 1/2-INCH OPEN TOP PIPE FOUND;

THENCE RUNNING ALONG THE DIVISION LINE BETWEEN DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE SOUTH AND VIRGINIA PEREZ (AS PER DEED BOOK

10705, PAGE 312, DEKALB COUNTY, GEORGIA RECORDS) TO THE NORTH AND WEST RESPECTIVELY THE FOLLOWING 2 COURSES AND DISTANCES: SOUTH 73 DEGREES 26 MINUTES 08 SECONDS EAST A DISTANCE OF 149.89 FEET TO A 1/2-INCH REBAR WITH CAP SET AND THENCE NORTH 00 DEGREES 18 MINUTES 19 SECONDS EAST A DISTANCE OF 283.74 FEET TO A 1/2-INCH REBAR WITH CAP SET ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF FLAT SHOALS PARKWAY (PUBLIC VARIABLE R/W); THENCE RUNNING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING 3 COURSES AND DISTANCES: SOUTH 51 DEGREES 15 MINUTES 10 SECONDS EAST A DISTANCE OF 30.94 FEET TO A 1/2-INCH REBAR WITH CAP SET, SOUTH 62 DEGREES 18 MINUTES 57 SECONDS EAST A DISTANCE OF 98.73 FEET TO A 1/2-INCH REBAR WITH CAP SET, AND SOUTH 08 DEGREES 26 MINUTES 00 SECONDS EAST A DISTANCE OF 55.56 FEET TO A 1/2-INCH REBAR WITH CAP SET; SAID POINT BEING THE TRUE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINS 17.61 ACRES OR 767,224 SQUARE FEET MORE OR LESS.









STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance
for the
Application for Rezoning

of

Blue River Development, LLC
c/o Battle Law, P.C.

for

17.52± acres of land located at
4743 Flat Shoals Parkway

From OI to MR-1

Submitted for Applicant by:

Michèle L. Battle, Esq.
Joshua S. Mahoney, Esq.
Battle Law, P.C.
3562 Habersham at Northlake, Bldg. J., Ste. 100
Tucker, GA 30084
Phone: (404) 601-7616
Fax: (404) 745-0045
Email: mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, Blue River Development, LLC is seeking to rezone the 17.52 acres of undeveloped land located at 4743 Flat Shoals Parkway in unincorporated Dekalb County (the “Subject Property”) from OI to MR-1 for the development of 37 townhome units and 37 urban detached units for a total of 74 residential units at a density of 4.22 units per acre, which is less than the up to 30 units per acre allowed. The Subject Property has a land use designation of Commercial Redevelopment Corridor (CRC).

It is the Applicant’s desire to develop 74 residential units on the Subject Property. The units include both rear-entry and front entry models, with a portion of the rear-entry units facing Flat Shoals Parkway. The units will be constructed with craftsman style facades with a combination of brick, hard-plank, board and batten, fiber cement shake. Additionally, each unit will have a 2-car garage, with a 2 car parking pad in front of the garage. The proposed development will meet the 20% minimum open space requirement, which will include a pocket park. The project will be primarily marketed to adults without children, empty nesters and young professionals.

This document is submitted both as a Statement of Intent regarding this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance. A surveyed plat and conceptual site plan of the Subject Property controlled by the Applicant has been filed contemporaneously with the Application, along with other required materials.

II. IMPACT ANALYSIS

- (a) Suitability of use: The proposed rezoning will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The Subject Property is abutted by parcels zoned MR-1, R-100, RSM, NS, and C-1. The Subject Property is near the commercial corridor at the intersection of Flat Shoals Parkway and Flakes Mill Road where there are many restaurants, retail stores and multiple grocery stores. It is the Applicant's contention that the proposed development is consistent with the abutting residential and commercial developments and will support existing businesses in the commercial district as well as attract new businesses to the district.
- (b) Effect on adjacent property: The proposed development will have a positive impact on the surrounding community, as it will support the redevelopment of this commercial corridor as contemplated by the current Comprehensive Land Use Plan for the area.
- (c) Economic use of current zoning: The Subject Property has no use as currently zoned. As a result of the COVID epidemic the office market has been severely impacted as business continue to adapt to their employees working from home. Existing office buildings are losing tenants daily which negatively impacts the ability to finance new office building development.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area. Flat Shoals Parkway is a heavily used arterial road. All access to the community will be off Woodberry Parkway, and any project improvements required by DeKalb County will addressed.

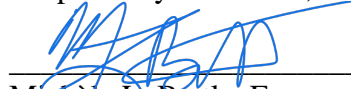
- (e) Effect on historic building, sites, etc. The approval of this Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Compatibility with Comprehensive Land Use Plan. The Subject Property has a land use designation of Commercial Redevelopment Corridor. The MR-1 zoning district is a permitted zoning district within the Commercial Redevelopment Corridor, which supports the development of townhomes and multifamily units up to a density of 30 units per acre. The Applicant density is considerably less than is permitted at under 5 units per acre. This density provides for a suitable transition from the existing residential communities adjacent to the Subject Property. The proposed project will also have sidewalks throughout the community and the Subject Property's frontage on Flat Shoals Parkway, which will allow for connection into the existing sidewalk network which will allow for pedestrian access to the adjacent commercial uses, including the adjacent grocery store.

IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application and are attached hereto and by this reference incorporated herein.

This 11th day of February, 2025.

Respectfully submitted,



Michèle L. Battle, Esq.
Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

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

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

A refusal by the DeKalb County Board of Commissioners to 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 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 rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



Battle Law

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

Zoom Instructions:

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

We encourage you to come out and participate!

For More Information Contact
Jordan Battle at:
Phone: 404-601-7616 ext. 8
Fax: 404-745-0045
Email: jeb@battlawpc.com

COMMUNITY MEETING TO DISCUSS A REZONING APPLICATION TO ALLOW FOR A DEVELOPMENT OF A 74 UNIT MIXED RESIDENTIAL COMMUNITY

**Project Title: Blue River Development,
LLC- 4743 Flat Shoals Parkway**

When: January 20, 2025

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

Register in advance for this meeting:

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

Meeting ID: 892 1107 5291

Password: 622686

Parcel(s): 15 061 03 001



Battle Law

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

Zoom Instructions:

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We encourage you to come out and participate!

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Fax: 404-745-0045
Email: jeb@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A REZONING APPLICATION TO ALLOW FOR A DEVELOPMENT OF A 74 UNIT MIXED RESIDENTIAL COMMUNITY

**Project Title: Blue River Development,
LLC- 4743 Flat Shoals Parkway
(Rescheduled Meeting)**

When: January 28, 2025

**Time: 6:30 PM Eastern (US and Cana-
da)**

Register in advance for this meeting:

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

Meeting ID: 892 1107 5291

Password: 622686

LE SAGE LLC
1700 NORTHSIDE DR BLDG/STE A7/PMB1785
ATLANTA , GA 30034

CLEMENTS MELODY D
3490 SHEPHERDS PATH
DECATUR , GA 30034

TRIRAY HOLDINGS LLC
410 SANDRINGHAM CT
WINTER SPRINGS , FL 30034

D R HORTON INC
1371 DOGWOOD DR SW
CONYERS , GA 30034

JACKSON LA TRECIA W
3471 SHEPHERDS PATH
DECATUR , GA 30034

Z REALTY LLC
2103 LACROIX WAY
CONYERS , GA 30034

HAYDEN LINDA
361 17TH ST NW # 722
ATLANTA , GA 30034

JACKSON GAIL MITCHELL
3427 UPTON AVE N
MINNEAPOLIS , MN 30034

CHAPEL PARK CONDONIMIUN
3473 SHEPHERDS PATH
DECATUR , GA 30034

RICHARD AND BETH D RUTHERFORD REVOC TRST
992 MOUNTAIN PAGE RD
SALUDA , NC 30034

PARK PLACE COMMUNITIES INC
3473 SHEPHERDS PATH
DECATUR , GA 30034

BRYE MARY S
3504 SHEPHERDS PATH
DECATUR , GA 30034

SCOTT TAMMI
3478 SHEPHERDS PATH
DECATUR , GA 30034

LEE MEGAN
1067 SUNNY GLENN CT
LAWRENCEVILLE , GA 30034

RODRIGUEZ CARLOS EDGAR
4395 PINEVIEW DR
POWDER SPRINGS , GA 30034

LUMMUS ROSE
3496 CHERRY RIDGE PL
DECATUR , GA 30034

BARLINSKY AHARON
3851 HOLCOMB BRIDGE RD STE 300
NORCROSS , GA 30034

NRNS GROUP LLC
3050 FIVE FORKS TRICKUM RD STE D5
LILBURN , GA 30034

WHITE ZION
3482 SHEPHERDS PATH
DECATUR , GA 30034

SECRETS OF REAL ESTATE LLC
599 COOPER ST SW
ATLANTA , GA 30034

MABRY JOHN Q SR
3510 SHEPHERDS PATH
DECATUR , GA 30034

MANSARAY MOHAMED
3484 SHEPHERDS PATH
DECATUR , GA 30034

BRYAN SHAKEMA
2522 WESTCHESTER WAY SE
CONYERS , GA 30034

ST REDEVELOPMENT GROUP INC
120 TREEBROOK WAY
FAYETTEVILLE , GA 30034

HOME SFR BORROWER IV LLC
PO BOX 4090
SCOTTSDALE , AZ 30034

SECRETS OF REAL ESTATE LLC
400 PRYOR ST
ATLANTA , GA 30034

GARCIA PROPERTY GROUP LLC
2028 WRIGHTS WAY
JONESBORO , GA 30034

SHAH DYLAN DIPAK
5660 GROVE PLACE XRD SW
LILBURN , GA 30034

NASAJPOUR HABIB DAVID
104 STUART CASTLE WAY SE
SMYRNA , GA 30034

WHITE-ROBERTS YVONNE
3516 SHEPHERDS PATH
DECATUR , GA 30034

HAG LLC
3518 SHEPHERD PATH
DECATUR , GA 30034

MORIN AYISHAH
3509 SHEPHERDS PATH
DECATUR , GA 30034

CHAPEL PARK CONDOMINIUM ASSOC
3473 SHEPHERDS PATH
DECATUR , GA 30034

KELLY DEBORAH M
3520 SHEPHERDS PATH
DECATUR , GA 30034

SHUKRUN BARAK
3851 HOLCOMB BRIDGE ROAD #300
NORCROSS , GA 30034

TURNQUEST YVONNE C
3604 SHEPHERDS PATH
DECATUR , GA 30034

JACKSON DEPHNE I
3522 SHEPHERDS PATH
DECATUR , GA 30034

ISLANDMAN INVESTMENTS LLC
P O BOX 1098
MABLETON , GA 30034

STEPHENS TERRY G
3606 SHEPHERDS PATH
DECATUR , GA 30034

RANDOLPH LEON C
5825 HAROLD WAY APT 7
LOS ANGELES , CA 30034

EQUITABLE HOUSING LLC
3515 SHEPHERDS PATH
DECATUR , GA 30034

WILLIAMS CYNTHIA A
3608 SHEPHERDS PATH
DECATUR , GA 30034

KIHARA ALICE
4575 WELSHFIELD CT NW
KENNESAW , GA 30034

MADUKA EMMANUEL O
3896 STONEBRIAR LN
DULUTH , GA 30034

JOHNSON GLADYS
3610 SHEPHERDS PATH
DECATUR , GA 30034

3500 SHEPHERDS PATH LLC
2003 ROCKY BROOK CT
MCDONOUGH , GA 30034

MCCLARTY NOREEN
3519 SHEPHERDS PATH
DECATUR , GA 30034

ULMER JOSEPH
20885 REDWOOD RD # 306
CASTRO VALLEY , CA 30034

HENDERSON ZELDA
3501 SHEPHERDS PATH
DECATUR , GA 30034

RINGO NIQUINA
3521 SHEPHERDS PATH
DECATUR , GA 30034

PERKINS ZAKIA C
PO BOX 370029
DECATUR , GA 30034

BROWN SALIAHAH
3502 SHEPHERDS PATH
DECATUR , GA 30034

WATKINS JUDITH ANNE DREW
109 MILAM DR
ELLENWOOD , GA 30034

ST REDEVELOPMENT GROUP INC
120 TREEBROOKE WAY
FAYETTEVILLE , GA 30034

T AND Z REALTY LLC
2103 LACROIX WAY
CONYERS , GA 30034

BROWN SALIAHAH
3885 TOLLIVER HLS
ELLENWOOD , GA 30034

BOWLING ROBERT
3618 SHEPHERDS PATH
DECATUR , GA 30034

JONES RENEE DENISE
30042 MISSION BLVD PMB 121 MB 233
HAYWARD , CA 30034

MOODY ANTONIO
117 CENTENNIAL DR
STOCKBRIDGE , GA 30034

OTOKI GLINDA
3622 SHEPHERDS PATH
DECATUR , GA 30034

AVALON GEORGIA II LLC
187 ARROWOOD CORNER RD
CLEVELAND , GA 30034

RIVERS ANGELA
3617 SHEPARDS PATH
DECATUR , GA 30034

DDR SAU DECATUR FLAT SHOALS LLC
3300 ENTERPRISE PKWY
BEACHWOOD , OH 30034

AUSBORN CORNELIUS
33606 9TH ST
UNION CITY , GA 30034

PERKINS ZAKIA
PO BOX 370029
DECATUR , GA 30034

DDR SAU DECATUR FLAT SHOALS LLC
800 COMMERCE DR STE 300
OAK BROOK , IL 30034

PJS RENTAL PROPERTIES LLC
5526 STONELEIGH CT
STONE MOUNTAIN , GA 30034

FOUR LIONS OF ABYSSINIA INC
2473 DAVENTRY WALK
DULUTH , GA 30034

FREG PARKWAY GRAND ASSOCIATES LLC
240 SAINT PAUL DR S STE 400
DENVER , CO 30034

TWIN CRIBS LLC
8343 ROSWELL RD STE 164
ATLANTA , GA 30034

BATTLE LAWRENCE K
24 NORRIS ST STE 3
CAMBRIDGE , MA 30034

HIRAM PROPERTIES INC
3905 LAVISTA RD STE C
TUCKER , GA 30034

HORTON PAMELA K
361 17TH ST NW UNIT 716
ATLANTA , GA 30034

RAZ GIDEON
3851 HOLCOMB BRIDGE RD STE 300
PEACHTREE CORNERS , GA 30034

B H P INVESTMENT CO
PO BOX 82640
HAPEVILLE , GA 30034

CHIEFTAIN RESIDENTIAL LP
17 NE 4TH ST
FORT LAUDERDALE , FL 30034

CHAPEL PARK CONDOMINIUM ASSOC
1050 CROWN POINTE PKWY # 500
ATLANTA , GA 30034

THE HUDSON HOLDING COMPANY
4746 FLAT SHOALS PKWY # 100
DECATUR , GA 30034

ALOZIE OBINNA SAMUEL
3609 SHEPHERDS PATH
DECATUR , GA 30034

DATERCO INC
98137 Little Piney Island Point
AMELIA ISLAND , FL 30034

WAFFLE HOUSE INC
6000 LAKE FORREST DR STE 495
ATLANTA , GA 30034

PRICE PAUL D
4413 WESLEYAN POINTE
DECATUR , GA 30034

SSR DEKALB HOLDINGS LLC
248 PRINCE AVE
ATHENS , GA 30034

HUDSON HOLDING COMPANY
4746 FLAT SHOALS PKWY
DECATUR , GA 30034

TRIRAY HOLDINGS, LLC
410 SANDRINGHAM CT
WINTER SPRINGS , FL 30034

URBAN RETAIL LLC
3905 LAVISTA RD STE C
TUCKER , GA 30034

GLENN BIRCHELL J
113 COLOMNS DR
LITHIA SPRINGS , GA 30034

BURKS PIPER R
3615 SHEPHERDS PATH
DECATUR , GA 30034

FIRST UNION NATIONAL BANK CORP
PO BOX 2609
CARLSBAD , CA 30034

PEREZ VIRGINIA
4721 FLAT SHOALS PKWY
DECATUR , GA 30034

JACKSON DELORES W
735 HIGHLAND OAKS DR
ATLANTA , GA 30034

WATTS REEVES BETTY
3619 HANCOCK VW
DECATUR , GA 30034

BADIATA HANNAH
3587 HANCOCK VWS
DECATUR , GA 30034

GREATER TRAVELERS REST BAPTIST CHURCH IN
4650 FLAT SHOALS PKWY
DECATUR , GA 30034

POWELL SANDRA B
3615 HANCOCK VW
DECATUR , GA 30034

HUBBARD KENDAL F
3583 HANCOCK VW
DECATUR , GA 30034

VM MASTER ISSUER LLC
5001 PLAZA ON THE LK STE 200
AUSTIN , TX 30034

SEEK FIRST LLC
5075 GOLFBROOK DR
STONE MOUNTAIN , GA 30034

JAMES ERIN
3579 HANCOCK VW
DECATUR , GA 30034

I AND G SFR II BORROWER LLC
3431 CHAPEL PARK DR
DECATUR , GA 30034

HANCOCK HEIGHTS 2 HOMEOWNERS ASSOCIATION
PO BOX 250246
ATLANTA , GA 30034

ABADULA FAYO
3575 HANCOCK VW
DECATUR , GA 30034

RNS MANAGEMENT LLC
2615 ARBOR VALLEY DR
CUMMING , GA 30034

MABROUK MOHAMED HASSAN
39 24TH ST STE 4
LONG ISLAND CITY , GA 30034

DIALLO OUMOU
3571 HANCOCK VW
DECATUR , GA 30034

THOMPSON ASHANTE
3702 HANCOCK DR
DECATUR , GA 30034

MILLER GLORIA J
3607 HANCOCK VW
DECATUR , GA 30034

SENNAYASWAMY RAMAKRISHNAN
3567 HANCOCK VW
DECATUR , GA 30034

MADISON CORNELIUS
3715 HANCOCK DR
DECATUR , GA 30034

HANSLEY CARLA
3603 HANCOCK VW
DECATUR , GA 30034

STANDIFER DANDRIA D
3563 HANCOCK VW
DECATUR , GA 30034

2018 3 IH BORROWER LP
P.O. BOX 4900
SCOTTSDALE , AZ 30034

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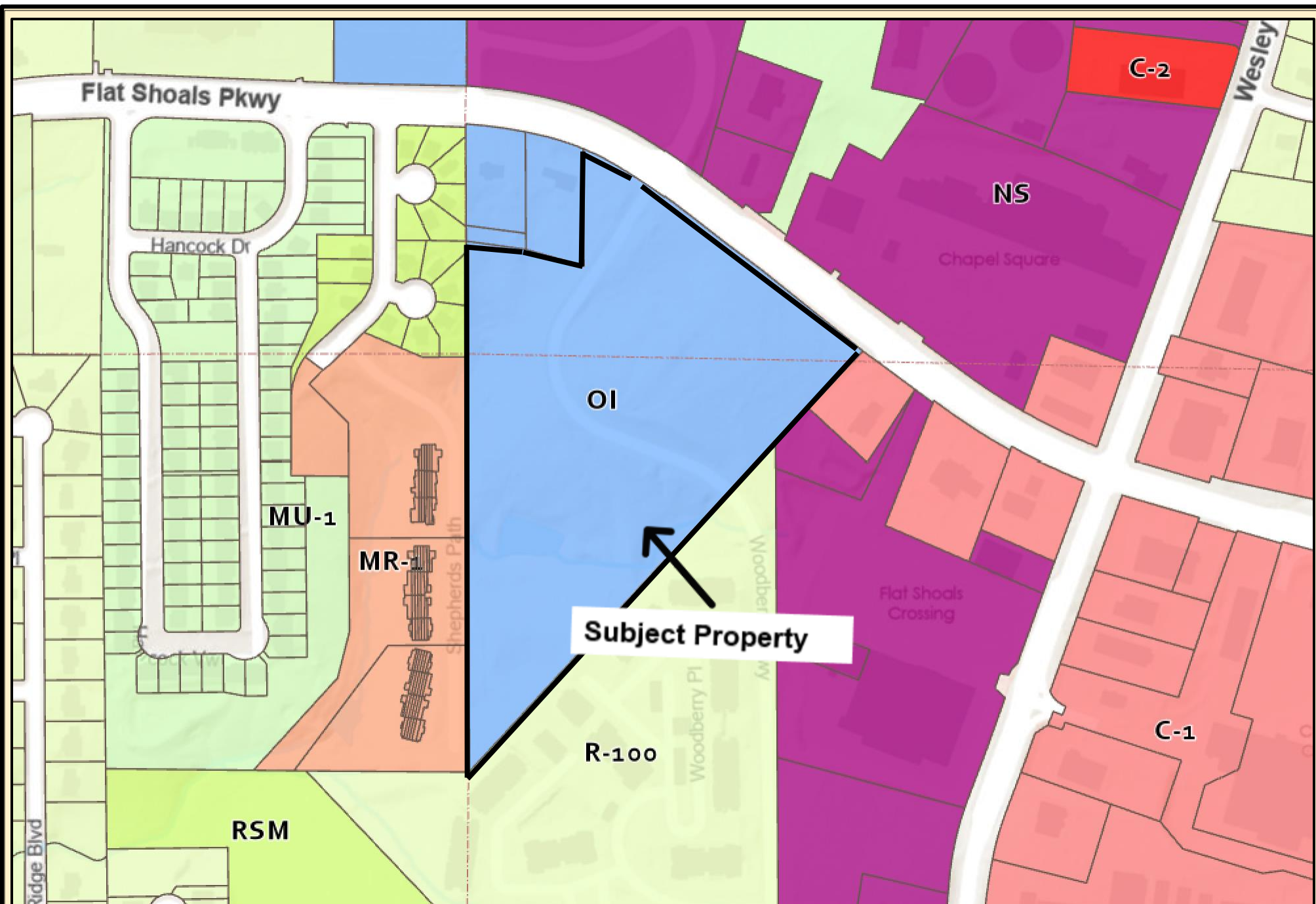
PFIN II F LLC
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ATLANTA , GA 30034

BEASLEY STEPHAN
P.O. BOX 28781
ATLANTA , GA 30034

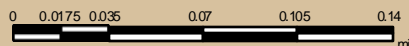
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DeKalb County Parcel Map

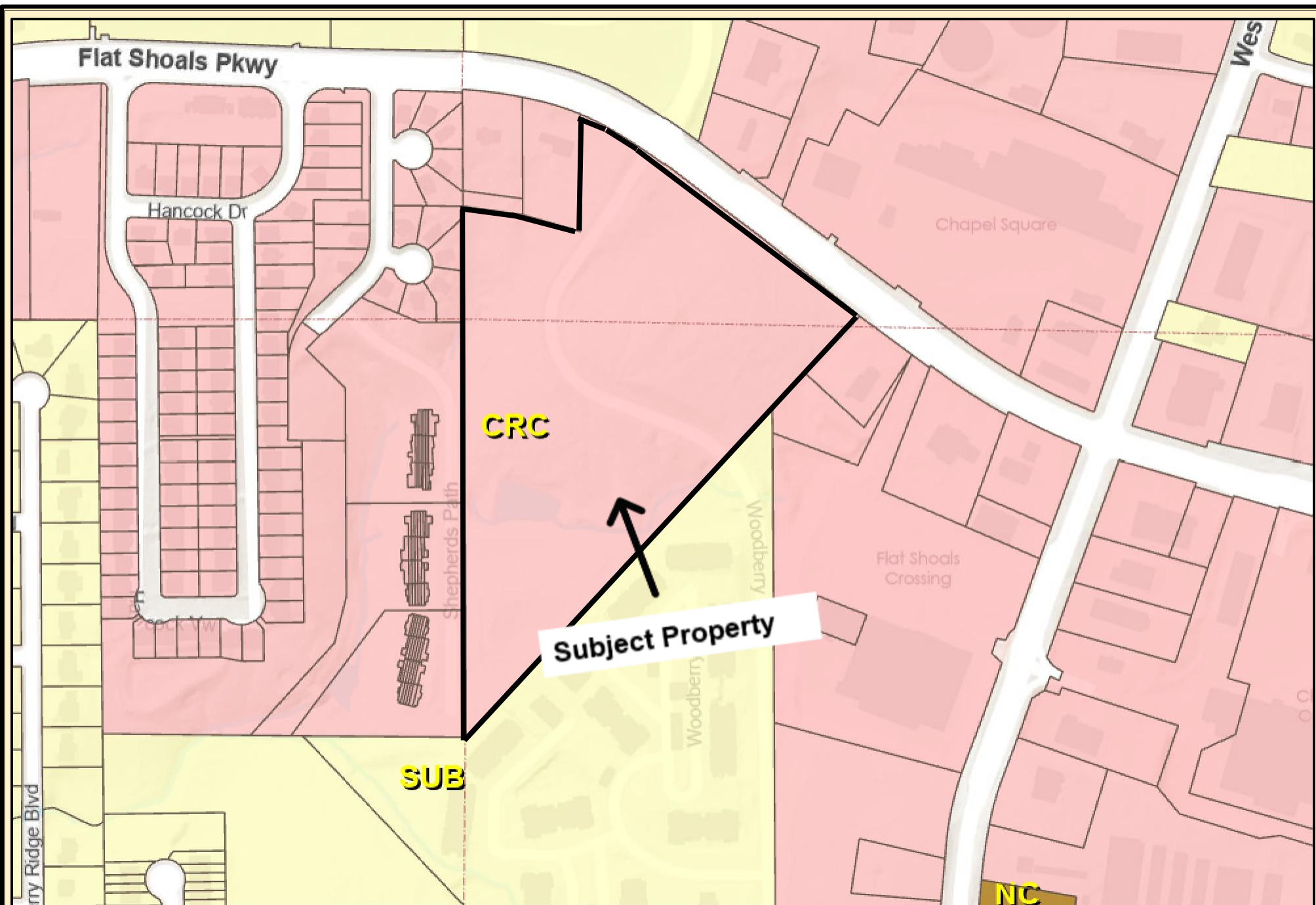


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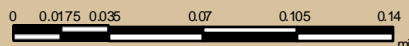


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DeKalb County Parcel Map



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DeKalb County Parcel Map



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mi

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