



Government Services Center
 178 Sams Street
 Decatur, GA 30030
dekalbcountyga.gov/planning
 404-371-215 (0)

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief Executive Officer
 Lorraine Cochran-
 Johnson

Interim Director
 Cedric Hudson

Planning Commission Hearing Date: March 4, 2025
Board of Commissioners Hearing Date: March 27, 2025

STAFF ANALYSIS

Case No.:	Z-24-1247008	File ID #: 2024-0633	
Address:	5370, 5378, and 5384 Flat Shoals Parkway, Decatur, GA 30034	Commission District: 03	Super District: 07
Parcel ID(s):	15-066-01-012, 15-066-01-062, 15-066-01-011		
Request:	Rezone property from the R-100 (Residential Medium Lot-100) Zoning District to the RSM (Small Lot Residential Mix) Zoning District to allow for the construction of single-family detached and attached dwellings.		
Property Owner(s):	Majesty Inc.		
Applicant/Agent:	Cultivate Community c/o Battle Law, P.C.		
Acreage:	8.56 acres		
Existing Land Use:	Single-family dwelling, vacant		
Surrounding Properties:	North: R-100 East: R-100 South: R-100 (across Flat Shoals Parkway) West: R-100		
Comprehensive Plan:	Suburban (SUB)	Consistent	Inconsistent X

Staff Recommendation: WITHDRAWAL WITHOUT PREDJUDICE

The applicant requested to withdraw this application on February 12, 2025 (see attached request). Therefore, the Planning and Sustainability Department recommends a "*Withdrawal Without Prejudice*" of this application request.



Battle Law

02/12/25

Via Email (rlbragg@dekalbcountyga.gov)

Rachel Bragg
Zoning Administrator
178 Sams Street Decatur, GA., 30030
Re: Z-24-1247008

Zoning Administrator Rachel Bragg:

On behalf of the Applicant for the proposed rezoning for property located at 5370, 5384, and 5378 Flat Shoals Parkway, being parcel numbers 15 066 01 062, 15 066 01 012, 15 066 01 011 pertaining to petition number Z-24-1247008, I respectfully request to withdraw this application.

Sincerely,

Joshua Mahoney
Associate Attorney
404-601-7616 ext. 6
jsm@battlelawpc.com

ZONING COMMENTS – JUNE 2024

N1. 911 Mountain View Drive. Mountain View Drive is classified as a collector road. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Mountain View Circle and Mountain Springs Way are classified as local roads. Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk on any street. Only one access point allowed on Mountain View Drive. Refer to Code Section 14-200 (6) for driveway spacing. Consider the circulation loop having access off Mountain View Circle. No parking allowed on the right of way. Verify that all access points have intersection and stopping sight distance as described by AASHTO.

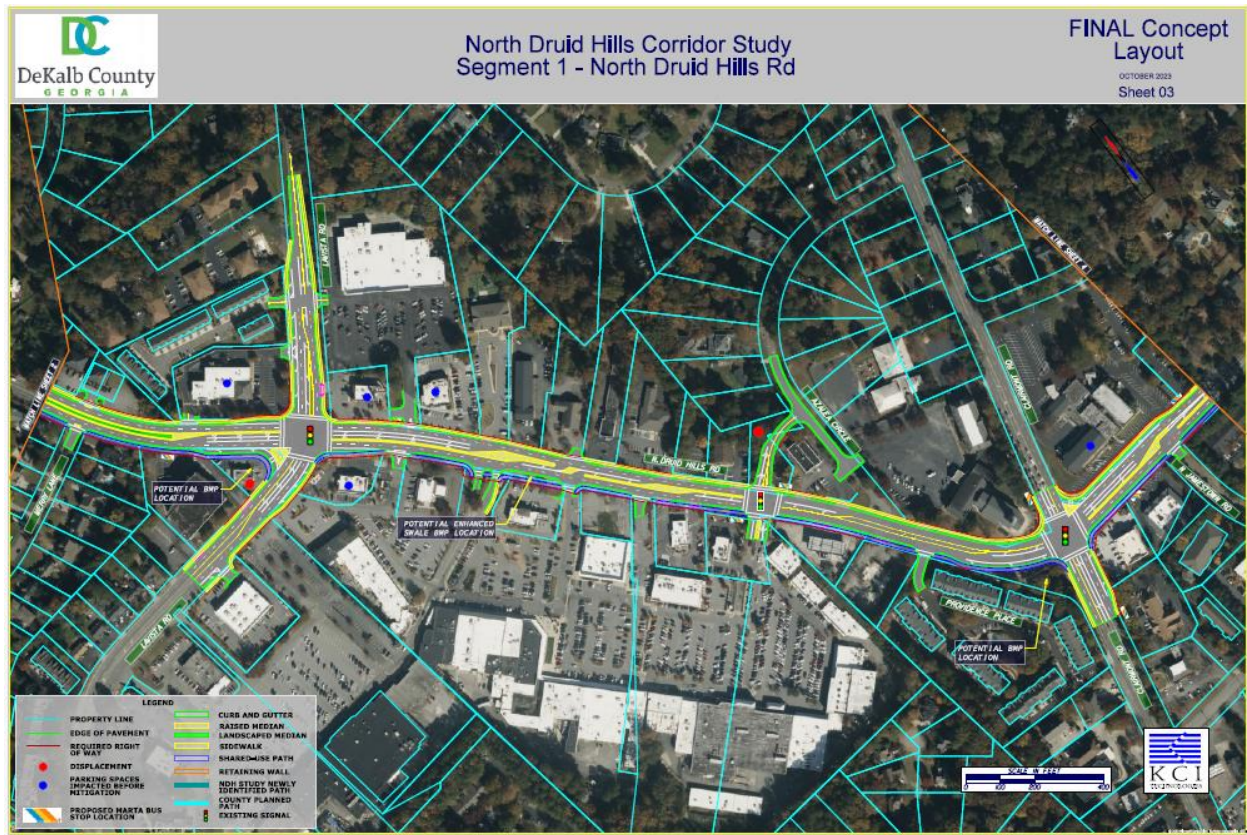
N2. 498 Crestwood Ct: No comment.

N3. 6061 Redan Road. Redan Road is classified as a minor arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Young Road is classified as a collector road. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 35 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip with a 6-foot sidewalk and 4-foot bike lane OR (PREFERRED) a 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Verify that all access points have intersection and stopping sight distance as described by AASHTO. Provide a direct pedestrian connection between the public infrastructure/right of way to the building. One right in/left in/right out access point on Redan Road. Install physical barrier to prevent left turns and include a no left turn signage. Only one access point allowed on Young Road- away from the signalized intersection as possible. Update pedestrian striping and ADA ramps at traffic signal. Bring curb and gutter up to current standards along property frontage. No poles may remain within the limits of the path/sidewalk on any street.

N4. 1422 Rock Chapel Road. Rock Chapel Road is state route 124. GDOT review and approval is required prior to permitting. (JLivingston@dot.ga.gov) Rock Chapel Road is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 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). If applicant is seeking a variance from the above infrastructure requirements, it is suggested to seek during the zoning process. Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street.

N5. No comment

N6. 2933 N Druid Hills Rd. Additional coordination is required with the PW- Transportation Division on related to the North Druid Hills Study Section 1B. The Transportation Division has applied for federal funds to design and construct this project. Dedicate necessary right of way for the project. Recommend variance for all other infrastructure improvements until the project is delivered during zoning process. Please note the final position of access points. Verify that all access points have intersection and stopping sight distance as described by AASHTO.



N7. 5370, 5384, 5378 Flat Shoals Parkway. Flat Shoals Parkway is SR 155. GDOT review and permits required prior to permitting. (JLivingston@dot.ga.gov) Flat Shoals Parkway is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 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. (hewfowler@dekalbcountyga.gov). Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street. Private roads must be built to public road standards. All interior roads are to be private and maintained by a Homeowner’s Association. Verify the distance between the garage door and sidewalk is long enough to accommodate a vehicle without blocking the sidewalk. Make sure that sidewalk/pedestrian paths meet ADA requirements at driveways. If street is less than 24 feet wide, no on street parking allowed. Add no parking signs and include parking restrictions in neighborhood covenants.

N8. 1850 Lawrenceville Hwy. Lawrenceville Hwy is SR 8. GDOT review and permits required prior to permitting. (JLivingston@dot.ga.gov) Lawrenceville Hwy is classified as a major arterial. If a land development permit is required- Please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 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). Verify that all access points have intersection and stopping sight distance as described by AASHTO. No poles may remain within the limits of the path/sidewalk on any street. If seeking a variance from infrastructure improvements: At a minimum, add an 8-foot sidewalk for connection to South Fork Peachtree Creek Multiuse Trail along frontage and dedicate right of way needed.



6/14/2024

To: LaSondra H. Hill
From: Ryan Cira, Environmental Health Director
Cc: Alan Gaines, Deputy 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.

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net



N.5 -2024-0631

SLUP-24-1247001 18 069 02 028

5439 Memorial Drive, Stone Mountain, GA 30083

Amendment

- Please review general comments.

N.6 -2024-0632

SLUP-24-1247003 18 111 03 018

2933 North Druid Hills Road, Atlanta, GA 30329

Amendment

- Please review general comments.

N.7 - 2024-0633

Z-24-1247008 15 066 01 06, 15 066 0 012, 15 066 01 011

5370, 5384, and 5378 Flat Shoals Parkway, Decatur, GA 30034

Amendment

- Please review general comments.

N.8 - 2024-0634

SLUP-24-1247009 18 062 08 075

1850 Lawrenceville Highway, Decatur, GA 30033

Amendment

- Please review general comments.

DeKalb Public Health

445 Winn Way – Box 987

Decatur, GA 30031

404.508.7900 • www.dekalbhealth.net

**DeKalb County School District
Development Review Comments**

Analysis Date: 1/31/2024

Submitted to: DeKalb County **Case #:** Z-24-1247008
Parcel #: 15-066-01-012

Name of Development: 5370, 5384, and 5378 FLAT SHOALS PARKWAY, DECATUR, GA 30034
Location: North side of Flat Shoals Pkwy, west of Kelley Chapel Rd

Description: Application to construct up to 64 single-family attached townhomes.

Impact of Development: When fully constructed, this development would be expected to generate 25 students: 5 at Browns Mill Elementary School, 5 at Chapel Hill Middle School, 7 at Southwest DeKalb High School, 8 at other DCSD schools, and 0 at private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Browns Mill Elementary School	Chapel Hill Middle School	Southwest DeKalb High School	Other DCSD Schools	Private Schools	Total
Capacity	648	1,140	1,922			
Portables	0	0	0			
Enrollment (Oct. 2023)	411	620	1,213			
Seats Available	237	520	709			
Utilization (%)	63.4%	54.4%	63.1%			
New students from development	5	5	7	8	0	25

New Enrollment	416	625	1,220
New Seats Available	232	515	702
New Utilization	64.2%	54.8%	63.5%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.0803	0.0698	0.0039	0.1540
Middle	0.0698	0.0192	0.0013	0.0903
High	0.1152	0.0274	0.0054	0.1480
Total	0.2653	0.1164	0.0106	0.3923
Student Calculations				
Proposed Units	64			
Unit Type	TH			
Cluster	Southwest DeKalb High School			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	5.14	4.47	0.25	9.86
Middle	4.47	1.23	0.08	5.78
High	7.37	1.75	0.35	9.47
Total	16.98	7.45	0.68	25.11
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Browns Mill Elementary School	5	5	0	10
Chapel Hill Middle School	5	1	0	6
Southwest DeKalb High School	7	2	0	9
Total	17	8	0	25



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

1247008 Review disposition comment: Failed. Revise the drawing to resolve stormwater and tributary buffer comments.

Andrew S. DeKalb Co.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

Compliance with the DeKalb County Code of Ordinances 14-40 for Stormwater management and water quality control and Georgia Stormwater Management Manual is required as a condition of land development permit approval. There appears to be a ridge line through the proposed development. Show and state that the stormwater design for land development approval will require maintaining drainage patterns by stormwater routing to both basins. Stormwater discharge must comply with 14-40.(e)(6). Drainage easements appear necessary.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Special Flood Hazard Areas, local floodplain, or local flood prone areas was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application.

- **Landscaping/Tree Preservation**

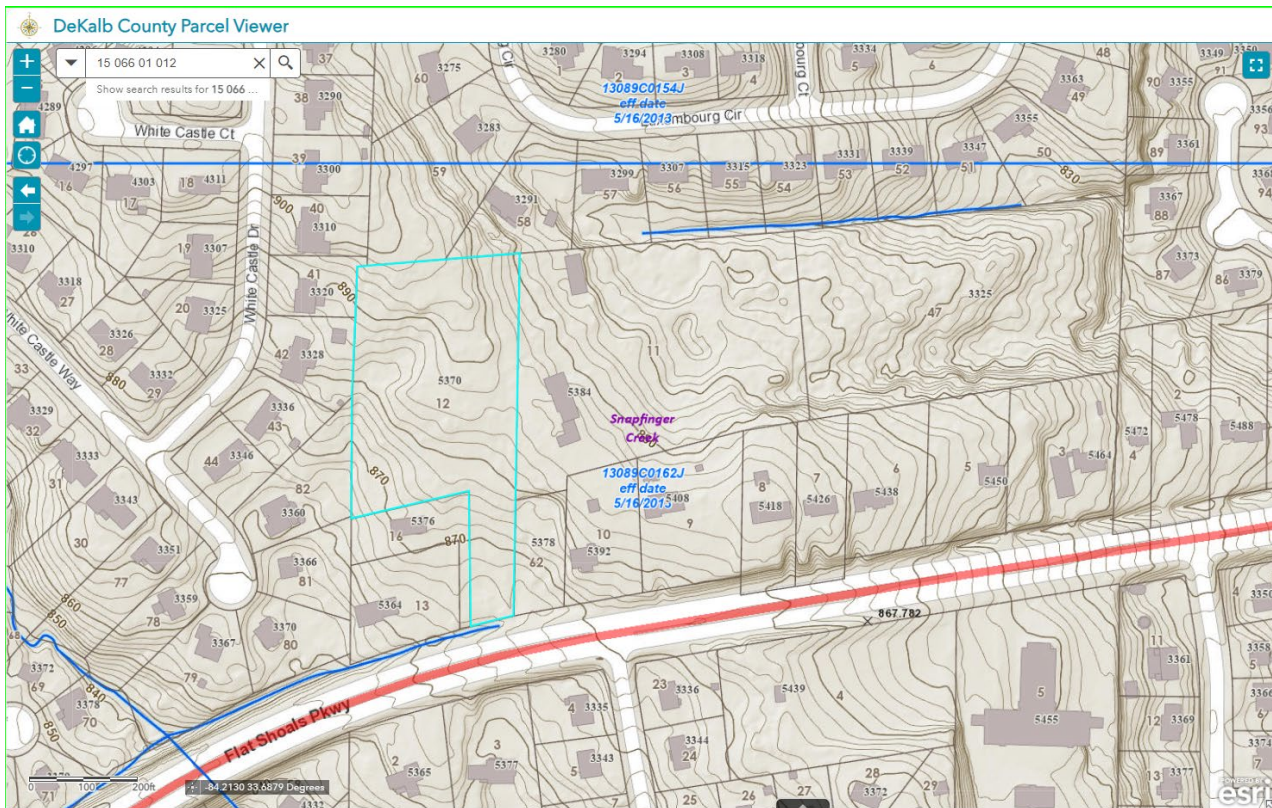
Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water possibly with buffer was reflected in the DeKalb County G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1. Assess the feature and update the drawings accordingly.

- **Fire Safety**

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





**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 TRAFFIC ENGINEERING**

Case No.: 2-24-1247008 Parcel I.D. #s: 15-066-01-011, 15-066-01-062, 15-066-01-012,
Address: 5370, 5384, and 5378 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) 6/7th 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: Jerry White



**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

**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



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): _____

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: _____

TO WHOM IT MAY CONCERN:

(I) (WE) Majesty, Inc.

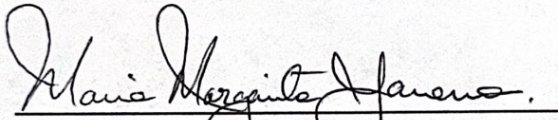
Name of owner(s)

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

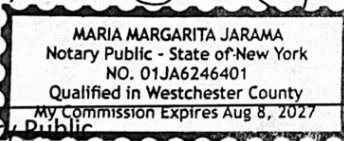
Cultivate Communities & Battle Law P.C.

Name of Agent or Representative

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



Notary Public



Notary Public

Notary Public

Notary Public

Printed Name: ROHAN MCKAID



Owner: Majesty Inc.

Owner

Owner

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 filling 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

Frank Bailey III 04-24-2024
736281b

Signature of Applicant /Date

Check one: Owner _____ Agent

Expiration Date/ Seal

*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.

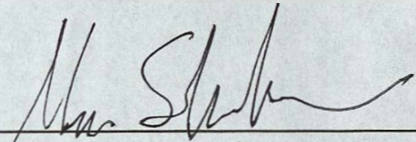
Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

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 Clerk of Superior Court, DeKalb County, Georgia 30030.



Notary



Signature of Applicant /Date

Check one: Owner Agent

MARK SCHWABACHER
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires July 13, 2027

Expiration Date/ Seal

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


Campaign Contribution Disclosure Statement
Last Updated 11/9/2023

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 Battle, of Battle law, P.C. in the past two years, aggregating \$250.00 or more, to local

gt,vel 11111e1 (crffitrals- Wfro wnY CUISicie1- o'ns appi\`tomm.

Name	Position	Amount	Date
Lorraine Cochran-Johnson	Commissioner	\$750.00	6/17/22
Mereda Davis Johnson	Commissioner	\$1,000.00	11/1/23



By: _____

Printed Name: _____ Michele Battle



Battle Law

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

Zoom Instructions:

Go to <https://battlelawpc.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@battlelawpc.com

COMMUNITY MEETING TO DISCUSS A REZONING APPLICATION FROM R-100 TO RSM TO ALLOW FOR A TOWNHOME COMMUNITY

**Project Title: Cultivate Communities-
5370 Flat Shoals Parkway**

When: April 17, 2024

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

Register in advance for this meeting:

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

Meeting ID: 890 7646 9122

Password: 182304

PROPOSED LOCATION(S):

Parcel Number - 15 066 01 012

EWING ST ELMO	3945 ELMS CT	TUCKER GA 30084
STELMO GROUP LLC THE	3945 ELMS CT DR	STONE MOUNTAIN GA 30083
STELMO GROUP LLC THE	3945 ELMS CT DR	STONE MOUNTAIN GA 30083
MJK INVESTMENTS LLC	3018 DOVER DR	DULUTH GA 30096
COLEMAN MICHELE VANESSA	3055 CHAFFEY CIR	DECATUR GA 30034
STEPHENS GEORGE E	5408 FLAT SHOALS PKWY	DECATUR GA 30034
C G INVESTMENT PROPERTIES LLC	36 WILLOWICK CT	LITHONIA GA 30038
MAJESTY INC	11108 225 ST SW	QUEENS VILLAGE NY 11429
MAJESTY INC	11108 225 ST	QUEENS VILLAGE NY 11429
PETTIFORD CASSANDRA ANN	5364 FLAT SHOALS PKWY	DECATUR GA 30034
PURCELL MARGARET JANE	3364 KELLEY CHAPEL RD	DECATUR GA 30034
HINDS RONALD	5376 FLAT SHOALS PKWY	DECATUR GA 30034
PURCELL WILLIAM L	4239 WINDSOR CASTLE WAY	DECATUR GA 30034
HEFLIN JASON	3358 KELLEY CHAPEL RD	DECATUR GA 30034
ANDERSON MILTON S	3343 WHITE CASTLE WAY	DECATUR GA 30034
ROBINSON TRUDY G	3333 WHITE CASTLE WAY	DECATUR GA 30034
HOLMES GORDON	3329 WHITE CASTLE WAY	DECATUR GA 30034
RICHARDS PAULETTE L RANDALL	3319 WHITE CASTLE WAY	DECATUR GA 30034
MORGAN MARLENE	39 PROSPECT ST	EAST HARTFORD CT 6108
GRIFFIN TANESHA L	4257 WINDSOR CASTLE WAY	DECATUR GA 30034
LONG RAY C	4249 WINDSOR CASTLE WAY	DECATUR GA 30034
ROSS DELASFORD LIVING TRUST	3280 WHITE CASTLE DR	DECATUR GA 30034
WHITAKER VERA L	3290 WHITE CASTLE DR	DECATUR GA 30034
WORTHY ROBERT L	3300 WHITE CASTLE DR	DECATUR GA 30034
SWANN RONA M	3310 WHITE CASTLE DR	DECATUR GA 30034
WILLIAMS JOHN H	3320 WHITE CASTLE DR	DECATUR GA 30034
TIGNER CATHERINE M	3328 WHITE CASTLE DR	DECATUR GA 30034
GEORGE MURIEL	3336 WHITE CASTLE DR	DECATUR GA 30034
WILKERSON DEBORAH CHARLEEN	3346 WHITE CASTLE DR	DECATUR GA 30034
KELLYS CHAPEL UNITED METHODIST	3412 KELLEY CHAPEL RD	DECATUR GA 30034
STELMO GROUP LLC THE	3945 ELMS CT DR	STONE MOUNTAIN GA 30083
FIDDIS DEVON	3363 LUXEMBOURG CIR	DECATUR GA 30034
ARVM 5 LLC	5001 PLAZA ON THE LK STE 200	AUSTIN TX 78746
HOUSTON SAMUEL B	3347 LUXEMBOURG CIR	DECATUR GA 30034
DANIELS PETER A	3339 LUXEMBOURG CIR	DECATUR GA 30034
CHATMAN ARDELL M	3331 LUXEMBOURG CIR	DECATUR GA 30034
JONES CARY D	3323 LUXEMBOURG CIR	DECATUR GA 30034
GRESHAM FLOYD	3315 LUXEMBOURG CIR	DECATUR GA 30034
COPELAND FRANCES	3307 LUXEMBOURG CIR	DECATUR GA 30034
JACKSON DOROTHY L	3299 LUXEMBOURG CIR	DECATUR GA 30034
LESTAGE DEBORAH	3291 LUXEMBOURG CIR	DECATUR GA 30034
BLOUNT HENRY JR	3283 LUXEMBOURG CIR	DECATUR GA 30034
CARR DARLENE	3275 LUXEMBOURG CIR	DECATUR GA 30034
GRIER JAMES T	4345 LUXEMBOURG DR	DECATUR GA 30034
MAJESTY INC	11108 225 ST	QUEENS VILLAGE NY 11429
WHITE MARY	4280 PORT CHESTER WAY	DECATUR GA 30034
HUNLEN LYDIA J	4292 PORT CHESTER WAY	DECATUR GA 30034
WILSON SAMUEL H	4296 PORT CHESTER WAY	DECATUR GA 30034
BROADNAX ETHEL	4293 PORT CHESTER WAY	DECATUR GA 30034

JACKSON III ROBERT LAWRENCE	4285 PORT CHESTER WAY	DECATUR GA 30034
HINES STEPHANIE	4279 PORT CHESTER WAY	DECATUR GA 30034
COCHRUM KENNETH	PO BOX 370191	DECATUR GA 30037
BATEMAN ANGELA C	2077 MILLSTONE DR SW	CONYERS GA 30094
NAZZ INVESTMENT GROUP USA LLC	null	null
FEARS EMILY	3377 PORT CHESTER CT	DECATUR GA 30034
LATIMER CHARLES E	3369 PORT CHESTER CT	DECATUR GA 30034
PITTMAN ANDREW LEROY	4269 PORT CHESTER WAY	DECATUR GA 30034
MCFARLAND HOWARD JR	4263 PORT CHESTER WAY	DECATUR GA 30034
COVINGTON ILA FAY	3351 WHITE CASTLE WAY	DECATUR GA 30034
WHITLOCK ROSALIND A	3359 WHITE CASTLE WAY	DECATUR GA 30034
LEWIS MILDRED S	3367 WHITE CASTLE WAY	DECATUR GA 30034
CABELL KENNETH	3370 WHITE CASTLE WAY	DECATUR GA 30034
GRANT CURTIS A	3366 WHITE CASTLE WAY	DECATUR GA 30034
DANCER JIMMIE D	3360 WHITE CASTLE WAY	DECATUR GA 30034
RUBY'S PLACE LLC	4600 CLEVELAND RD	LITHONIA GA 30038
RUBY'S PLACE LLC	4600 CLEVELAND RD	LITHONIA GA 30038
MAY HENRY	3336 BENTON HARBOR CT	DECATUR GA 30034
PINDER LATHARIO	3344 BENTON HARBOR CT	DECATUR GA 30034
GREEN HOWARD III	3356 BENTON HARBOR CT	DECATUR GA 30034
WITT BILLY	3356 TARRAGON DR	DECATUR GA 30034
THORNTON CURTIS L	3364 TARRAGON DR # 5A	DECATUR GA 30034
FREEPORT TITLE AND GUARANTY TRUSTEE	990 PEACHTREE INDUSTRIAL BLVD # 2851	SUWANEE GA 30024
HOWARD DOROTHY	3378 TARRAGON DR	DECATUR GA 30034
WILLIAMS STELLA M	3384 TARRAGON DR	DECATUR GA 30034
BELL JANICE R	3392 TARRAGON DR # 9A	DECATUR GA 30034
BELL-DANIEL BETTYE J	11244 PENZANCE LN	WHITE PLAINS MD 20695
ANDREWS VAUGHN A II	3410 TARRAGON DR	DECATUR GA 30034
AYCOCK MATTIE	4252 WINDSOR CASTLE WAY	DECATUR GA 30034
MITCHELL KATIE M	3301 WHITE CASTLE WAY	DECATUR GA 30034
GRANT STEVE ALAN REVOCABLE TRUST	8025 WELLINGTON TRC	MIDLAND GA 31820
ABRAM GLORIA D	3289 WHITE CASTLE WAY	DECATUR GA 30034
DAVENPORT WILLIAM	3281 WHITE CASTLE WAY	DECATUR GA 30034
ZACHERY GRADY D JR	3271 WHITE CASTLE WAY	DECATUR GA 30034
MCMILLAN ANNANETHIA	3261 WHITE CASTLE DR	DECATUR GA 30034
C AND D PROPERTIES LLC	4414 LUXEMBOURG DR	DECATUR GA 30034
GRAHAM JACQUELINE	4312 WHITE CASTLE CT	DECATUR GA 30034
SIMS MICHAEL	4205 SUMMIT CROSSING DR	DECATUR GA 30034
SMITH COREY R	4296 WHITE CASTLE CT	DECATUR GA 30034
MAYS DENISE	4289 WHITE CASTLE CT	DECATUR GA 30034
COFFEY BRIAN L	4297 WHITE CASTLE CT	DECATUR GA 30034
JOHNSON ALFONZO	4303 WHITE CASTLE CT	DECATUR GA 30034
WALKER ANTHONY L	4311 WHITE CASTLE CT	DECATUR GA 30034
C AND D PROPERTIES LLC	4414 LUXEMBOURG DR	DECATUR GA 30034
NEAL CYBIL	3325 WHITE CASTLE DR	DECATUR GA 30034
CRICHTON LAURENCE E REVOC LIVING TRUST	3264 WHITE CASTLE WAY	DECATUR GA 30034
PEREZ ESMERALDA ANGELES	3274 WHITE CASTLE WAY	DECATUR GA 30034
CHARRY SIMON	3282 WHITE CASTLE WAY	DECATUR GA 30034
WILLIAMS ANNETTE F	3290 WHITE CASTLE WAY	DECATUR GA 30034

HURD SARAH S	3300 WHITE CASTLE WAY	DECATUR GA 30034
WATSON JANICE E	3310 WHITE CASTLE WAY	DECATUR GA 30034
C AND D PROPERTIES LLC	4414 LUXEMBOURG DR	DECATUR GA 30034
WAUGH FREDRICK	3326 WHITE CASTLE WAY	DECATUR GA 30034
DICKERSON THADDEUS E	3332 WHITE CASTLE WAY	DECATUR GA 30034
MCKENZIE VERA LEE	3280 LUXEMBOURG CIR	DECATUR GA 30034
MURRAY BERNACE	224 GRANDVIEW CIR	COLUMBIA SC 29229
MADDOX KENNETH A	3308 LUXEMBOURG CIR	DECATUR GA 30034
MANN EVANS SKYE A	3318 LUXEMBOURG CIR	DECATUR GA 30034
MALONE HELEN B	3334 LUXEMBOURG CIR	DECATUR GA 30034
SAMFORD ANTHONY	3360 LUXEMBOURG CIR	DECATUR GA 30034
ATLANTA MUSLIM JAMAT INC	3300 BUCKEYE RD SUITE 266	ATLANTA GA 30341
WILSON DOROTHEA	5377 FLAT SHOALS PKWY	DECATUR GA 30034
2018 3 IH BORROWER LP	1717 MAIN ST STE 2000	DALLAS TX 75201
DISMUKE SHONA D	3343 BENTON HARBOR CT	DECATUR GA 30034
STAR 2022 SFR3 BORROWER LP	591 WEST PUTNAM AVE	GREENWICH CT 6830
FYR SFR BORROWER LLC	3505 KOGER BLVD STE 400	DULUTH GA 30096
RICHARDSON JOYCE	3320 TARRAGON DR	DECATUR GA 30034
BAILEY BARBARA LEE	3312 TARRAGON DR	DECATUR GA 30034
DEKALB COUNTY	1300 COMMERCE DR	DECATUR GA 30030
CERBERUS SFR HOLDINGS II LP	1850 PARKWAY PL STE 900	MARIETTA GA 30067
NALES GERALD D	3280 TARRAGON DR # 10B	DECATUR GA 30034
SENAM LLC	5738 LITTLE OAK TRL	STONE MOUNTAIN GA 30087
SMITH WILLIE ROBERT	3289 TARRAGON DR	DECATUR GA 30034
MILICE DOMINIQUE	3301 TARRAGON DR	DECATUR GA 30034
PLEHN NHORA	145 EDMONDSON WAY	FAYETTEVILLE GA 30214
VSP ATLANTA LLC	11 PIEDMONT CTR STE 300	ATLANTA GA 30305
RM1 SFR PROPCO A TLP	1850 PARKWAY PL FLOOR 9TH	MARIETTA GA 30067
NILES JAMES H	3379 BENTON HARBOR CT	DECATUR GA 30034
2017 2 IH BORROWER LP	1717 MAIN ST STE 2000	DALLAS TX 75201
COPELAND ELIZABETH L	106 HUNTINGTON PL	BONAIRE GA 31005
CREWS ANGELA J	3398 BENTON HARBOR CT	DECATUR GA 30034
RASHADA MAJEEDAH MARTHA	3392 BENTON HARBOR CT	DECATUR GA 30034
BASS CARLA YVETTE	3384 BENTON HARBOR CT	DECATUR GA 30034
MCDONALD TERENCE	725 PINE BARK RD	STONE MOUNTAIN GA 30087
MANNING HAROLD J	3353 TARRAGON DR	DECATUR GA 30034
FYR SFR BORROWER LLC	3505 KOGER BLVD STE 400	DULUTH GA 30096
BLANDON CHERYL R	4292 SHERWOOD OAKS DR	DECATUR GA 30034
PERRYMAN SELEDA MARIE	1930 FRANKLIN ST NE	WASHINGTON DC 20018
ANTWINE JOHNATHAN M	3413 TARRAGON DR	DECATUR GA 30034
CURTIS CONNIE	3424 N SHARON CHURCH RD	LOGANVILLE GA 30052
ETCHISON JAMETTE D	354 BOUNDARY TREE DR	ELLENWOOD GA 30294
FKH SFR PROPCO D LP	1850 PARKWAY PL FLOOR 9TH	MARIETTA GA 30067
MCCURTY TERENCE	4329 DOGWOOD TRCE	DECATUR GA 30034
CF KL ASSETS 2019 2 LLC	1345 AVENUE OF THE AMERICAS FLOOR 46	NEW YORK NY 10105
JENNINGS GERALD J	4334 DOGWOOD TRCE	DECATUR GA 30034
JOHNSON JERRY D	4328 DOGWOOD TRCE	DECATUR GA 30034
DUKES EVERETT	3426 DOGWOOD PL	DECATUR GA 30034
STARR ARTHUR SR	4309 DOGWOOD TRL	DECATUR GA 30034

WILSON JOHN W	4317 DOGWOOD TRL	DECATUR GA 30034
MURRAY CODY B JR	4325 DOGWOOD TRL	DECATUR GA 30034
2018 3 IH BORROWER LP	1717 MAIN ST STE 2000	DALLAS TX 75201
UPSHAW CLARENCE JR	4335 DOGWOOD TRL	DECATUR GA 30034
JOHNSON MARY H	4332 DOGWOOD TRL	DECATUR GA 30034
WHITE MAGGIE LOUISE	4326 DOGWOOD TRL	DECATUR GA 30034
JONES MARCIA M	4318 DOGWOOD TRL	DECATUR GA 30034
PAYTON HAZEL ADAMS	3402 DOGWOOD PL	DECATUR GA 30034
GRIFFEY BERNICE OLIVER	3226 GREENVALE WAY	DECATUR GA 30034
ORR DELORES J	3214 GREENVALE WAY	DECATUR GA 30034
MERCADO BRIANNA	3208 GREENVALE WAY	DECATUR GA 30034
KING SEBRENA	3202 GREENVALE WAY	DECATUR GA 30034
LYTE VICTOR M	3201 GREENVALE WAY	DECATUR GA 30034
VAUGHN CRAIG E	3229 GREENVALE WAY	DECATUR GA 30034
TRICON SFR 2020 2 BORROWER LLC	1508 BROOKHOLLOW DR	SANTA ANA CA 92705
HASSEL ERIC	2546 HARRINGTON DR	DECATUR GA 30033
HASSEL ERIC	2546 HARRINGTON DR	DECATUR GA 30033
MILLER JASMINE	3274 GREENVALE WAY	DECATUR GA 30034
GRIER JAMES T	4345 LUXEMBOURG DR	DECATUR GA 30034
WISE KIMBERLY R	4337 LUXEMBOURG DR	DECATUR GA 30034
BANKS CASSANDRA	3270 WHITE CASTLE DR	DECATUR GA 30034
CARTER KIYSHA D	4357 LUXEMBOURG DR	DECATUR GA 30034
THOMAS CLAUDE A	4365 LUXEMBOURG DR	DECATUR GA 30034
PERDUE RAYMOND	4371 LUXEMBOURG DR	DECATUR GA 30034
GAYLE BROWN WINIFRED	4379 LUXEMBOURG DR	DECATUR GA 30034
BOLDING WILLIAM D	4366 LUXEMBOURG DR	DECATUR GA 30034
MASON GREGORY R	4356 LUXEMBOURG DR	DECATUR GA 30034
GUNN MINNIE S	4346 LUXEMBOURG DR	DECATUR GA 30034
PAGAYA SMARTRESI F1 FUND	90 PARK AVE FLOOR 31	NEW YORK NY 10016
ANDERSON JIMMY NEAL	4328 LUXEMBOURG DR	DECATUR GA 30034
BANKHEAD JOHN C	3252 WHITE CASTLE DR	DECATUR GA 30034
HARLESTON CYNTHIA C	3257 GREENVALE WAY	DECATUR GA 30034
CAMMON JEFF	3265 GREENVALE WAY	DECATUR GA 30034
GRIER SARA STEWART	3273 GREENVALE WAY	DECATUR GA 30034
HOLMES KEVIN	3281 GREENVALE WAY	DECATUR GA 30034
HAMMONDS MIRION ARTHUR	3249 GREENVALE WAY	DECATUR GA 30034
SINKFIELD HALL CHERYL P	3239 GREENVALE WAY	DECATUR GA 30034
HUNTER DORIS K	4387 LUXEMBOURG DR	DECATUR GA 30034
GIBSON MARK A LIVING TRUST	5320 RIVERVIEW RD	ATLANTA GA 30327
ABRAHAM RUPERT	4386 LUXEMBOURG DR	DECATUR GA 30034
PERRYMAN CALVIN J	3380 LUXEMBOURG CIRS	ATLANTA GA 30334
AKEJU JACLYN BANNER	3372 LUXEMBOURG CIR	DECATUR GA 30034
MALONE RAYMOND LOUIS	3262 LUXEMBOURG CT	DECATUR GA 30034
WALKER JOSEPH K JR	3254 LUXEMBOURG CT	DECATUR GA 30034
MANAGO TAMARA R	3263 LUXEMBOURG CT	DECATUR GA 30034
MORRIS MONICA NACHE	4421 LUXEMBOURG WAY	DECATUR GA 30034
MORALES GREGORIO MENDEZ	4415 LUXEMBOURG WAY	DECATUR GA 30034
PEAKE PATRICIA	4409 LUXEMBOURG WAY	DECATUR GA 30034
OUTLER JOYCE LEWIS	4401 LUXEMBOURG WAY	DECATUR GA 30034

Meeting ID

Topic

89076469122 Cultivate Communities - 5370 Flat Shoals Parkway: Community Meeting

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Battle Law

STATEMENT OF INTENT

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Rezoning to Small Lot Residential Mix (RSM)

of

**Cultivate Communities Real Estate, LLC
c/o Battle Law, P.C.**

for

+/- 8.84 Acres of Land
Being 5370, 5384, and 5378 Flat Shoals Parkway
Decatur, Georgia and
Parcel Nos. 15 066 01 062,
15 066 01 012, and 15 066 01 011

Submitted for Applicant by:

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Battle Law

I. LETTER OF INTENT

Cultivate Communities Real Estate, LLC (the “Applicant”) is seeking to develop on +/- 8.84 acres of land being Tax Parcel Nos. 15 066 01 062, 15 066 01 012, & 15 066 01 011 having frontage on 5370, 5384, and 5378 Flat Shoals Parkway (the “Subject Property”) with sixty-four (64) townhomes. The Applicant is seeking a rezoning of the Subject Property to Small Lot Residential Mix (RSM).

This document serves as a statement of intent, analysis of the criteria under the DeKalb County Zoning Ordinance and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. IMPACT ANALYSIS

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The Applicant’s Proposal for Rezoning conforms with the text and ideals of DeKalb County’s 2050 Comprehensive Plan. The Plan calls for urban infill development of housing in a variety of offerings to increase the overall housing supply. The proposed development includes townhomes, an economic and efficient type of housing that satisfies the issues Dekalb’s Comprehensive plan seeks to remedy. Furthermore, the Comprehensive Plan states that the RSM zoning district is appropriate in the Suburban land use category. The Subject Property has a Suburban land use designation. Therefore, the rezoning to RSM complies with 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 properties.

All adjacent properties are residential. The proposed development is also solely residential. The Applicant intends on developing the property to be entirely cohesive in the use of the surrounding neighborhood. Therefore, the zoning proposal will permit a suitable use in view of the surrounding uses.

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

Because the assemblage of properties is an odd flag-shape, it disallows the type of home the properties are currently entitled to build. It would be an expensive process to modify the site so that it would be economically feasible to build a single-family home, either a developer or private individual. Furthermore, one of the large parcels is entirely landlocked without street access. Not only does it make it economically unfeasible, but it also makes it impossible without the assembling of the adjacent property with road access.



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

The proposed development will not adversely affect the existing use of adjacent properties. The largest impacts of a multi-unit development are traffic, encroachment into neighboring properties, and effects to the natural environment. The development will increase trips, but the property fronts on Flat Shoals which a Major Arterial Road, capable of handling the excess trips of the planned units. Additionally, the centralized development of the property must go through the permitting process, in addition to complying with all buffer and related requirements of the RSM zoning. Both mitigate external repercussions that will adversely affect its neighbors.

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 Subject Property is under contract to be purchased as an assemblage. The assemblage now allows for a centralized, planned development that can better plan for the topography and other features while maximizing the economic viability of the overall project. The zoning proposal should be approved because it allows both the goals of the development and the greater goals outlined DeKalb's Comprehensive Plan.

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

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources on the Subject Property.

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

The proposed development includes 64 units of townhome. It will increase the use of all public services; however it will not cause an excessive burden. The Subject Property's only access point is along Flat Shoals Parkway, a major arterial road which is designated to handle the increased load. Additionally, the Applicant intends on developing internal infrastructure that taps into readily available utilities. The addition of 64 units is not an enormous increase in the overall number of homes in the area.

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

The Subject Property is a small assemblage of parcels. The 8.84 acres are currently surrounded by development. Any impacts to the environment or natural resources have already been created. While the proposed development requires land disturbance, once



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built, the new units only marginally increase the overall impacts to the environment. Additionally, the development's centralized operation allows the Applicant to carefully plan for environmental mitigation unlike the isolated process of building single-family homes.

III. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the application for a rezoning from R-100 to RSM be approved. The Applicant welcomes any questions and feedback from the planning staff.

IV. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONSTITUTIONAL RIGHTS

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

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

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

A refusal by the DeKalb County Board of Commissioners to amend the land use and/or rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the



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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.

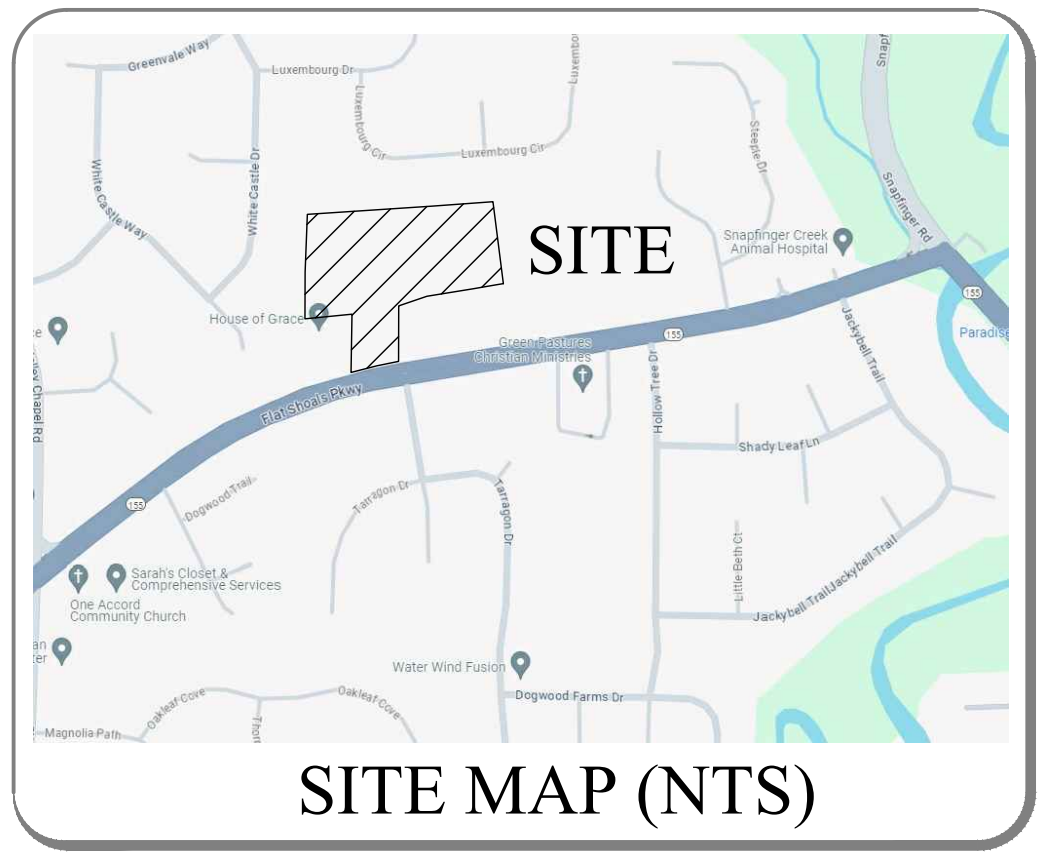
A refusal to allow the Rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

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.

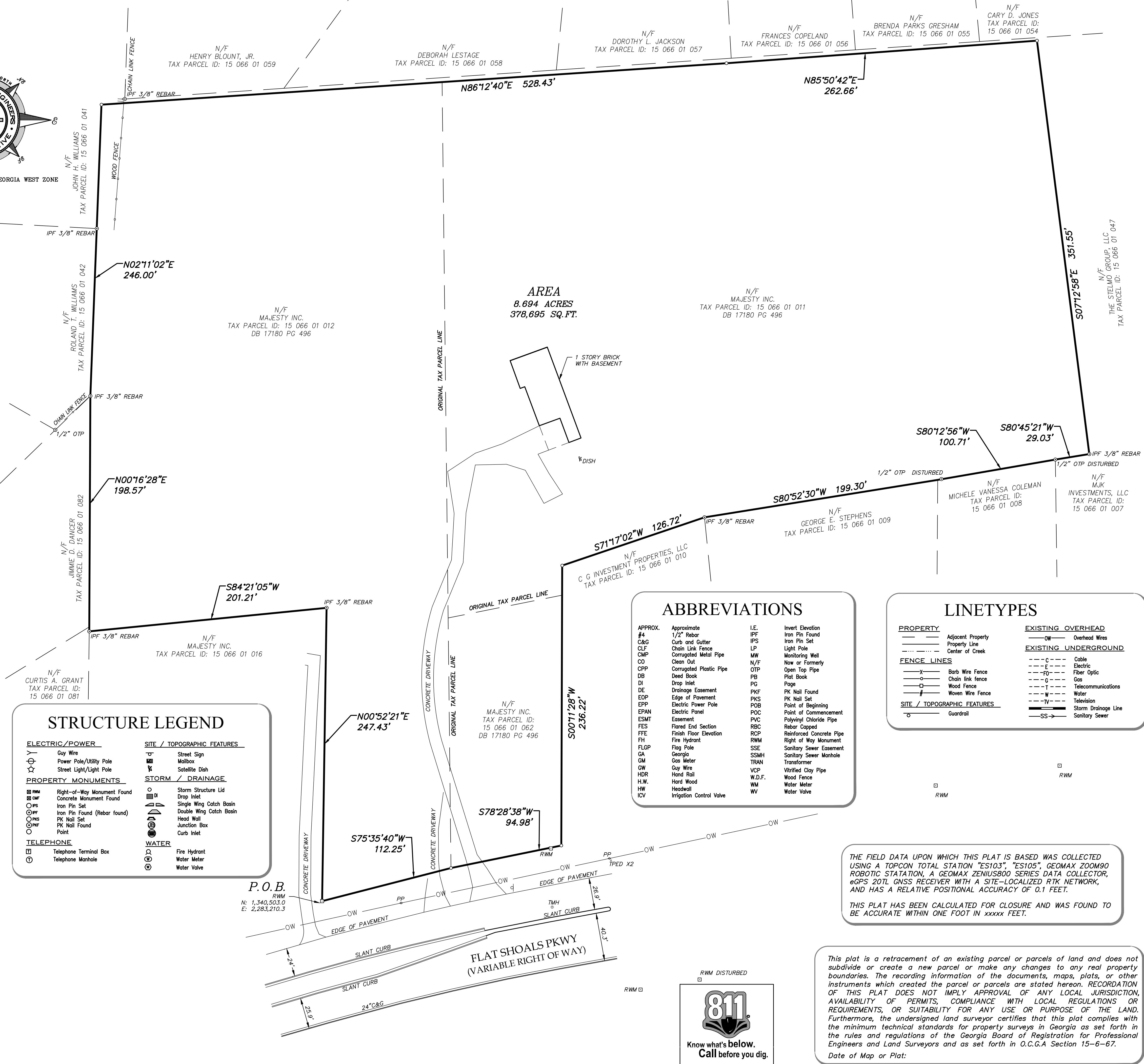
Michele L. Battle, Esq.
Attorney for the Applicant

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NOTES
1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION SUPPLIED AND TO THE SURVEYOR'S BEST KNOWLEDGE ARE APPROXIMATELY AS SHOWN. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ALL UTILITIES SERVING THE PROPERTY ENTER THROUGH ADJOINING PUBLIC STREETS AND/OR EASEMENTS OF RECORD.
2. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR DEKALB COUNTY, GEORGIA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 13089C0162J, PANEL 162 OF 201, EFFECTIVE DATE MAY 16, 2013 AND FOUND NO PORTION OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "A" (AREAS OF 100 YEAR FLOOD). THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.
3. THIS SITE IS TIED TO GRID NORTH BASED ON GPS OBSERVATIONS ADJUSTED BY PLANNERS AND ENGINEERS COLLABORATIVE IN APRIL 2024. NORTH AMERICAN DATUM OF 1983 (NAD83), NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEORGIA WEST ZONE STATE PLANE COORDINATES.
4. THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
5. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.
6. NO ZONING INFORMATION PROVIDED FOR BUILDING SETBACKS.
7. THIS SURVEY WAS MADE IN ACCORDANCE WITH LAWS AND/OR MINIMUM STANDARDS OF THE STATE OF GEORGIA.
8. THE PROPERTY HAS DIRECT ACCESS TO FLAT SHOALS PARKWAY, A DEDICATED PUBLIC STREET OR HIGHWAY.
9. THERE IS NO OBSERVED EVIDENCE OF USE OF THE PROPERTY AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

LEGAL DESCRIPTION
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 66, of the 15th District, DeKalb County, Georgia and being more particularly described as follows:
BEGIN at a found right of way monument, said monument having coordinates of North: 1,340,503.0 and East: 2,283,210.3, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said monument located on the northerly right of way line of Flat Shoals Parkway (variable public right of way), said pipe being the TRUE POINT OF BEGINNING;
THENCE leaving said northerly right of way of Flat Shoals Parkway and proceed North 00 degrees 52 minutes 21 seconds East a distance of 247.43 feet to a found 3/8 inch rebar; thence South 84 degrees 21 minutes 05 seconds West a distance of 201.21 feet to a found 3/8 inch rebar; thence North 00 degrees 15 minutes 59 seconds East a distance of 198.56 feet to a found 3/8 inch rebar; thence North 02 degrees 11 minutes 02 seconds East a distance of 246.00 feet to a point; thence North 86 degrees 12 minutes 40 seconds East a distance of 528.43 feet to a point; thence North 85 degrees 50 minutes 42 seconds East a distance of 262.66 feet to a point; thence South 07 degrees 12 minutes 58 seconds East a distance of 351.55 feet to a found 3/8 inch rebar; thence South 80 degrees 45 minutes 21 seconds West a distance of 29.03 feet to a found 1/2 inch open top pipe; thence South 80 degrees 12 minutes 56 seconds West a distance of 100.71 feet to a found 1/2 inch open top pipe disturbed; thence South 80 degrees 52 minutes 30 seconds West a distance of 199.30 feet to a found 3/8 inch rebar; thence South 71 degrees 17 minutes 02 seconds West a distance of 126.72 feet to a point; thence South 00 degrees 11 minutes 28 seconds West a distance of 236.22 feet to a point located on said northerly right of way of Flat Shoals Parkway; thence along said northerly right of way the following courses and distances: South 78 degrees 28 minutes 38 seconds West a distance of 94.98 feet to a point; South 75 degrees 35 minutes 40 seconds West a distance of 112.25 feet to a point, said pipe being the TRUE POINT OF BEGINNING.
Tract or parcel contains 378,695 square feet or 8,694 acres.



STRUCTURE LEGEND
ELECTRIC/POWER: Guy Wire, Power Pole/Utility Pole, Street Light/Light Pole
PROPERTY MONUMENTS: Right-of-Way Monument Found, Concrete Monument Found, Iron Pin Set, Iron Pin Found (Rebar found), PK Nail Set, PK Nail Found, Point
TELEPHONE: Telephone Terminal Box, Telephone Manhole
SITE / TOPOGRAPHIC FEATURES: Street Sign, Mailbox, Satellite Dish
STORM / DRAINAGE: Storm Structure Lid, Drop Inlet, Single Wing Catch Basin, Double Wing Catch Basin, Head Wall, Junction Box, Curb Inlet
WATER: Fire Hydrant, Water Meter, Water Valve

ABBREVIATIONS
APPROX. #4: Approximate
C&G: Curb and Gutter
CLF: Chain Link Fence
CMP: Corrugated Metal Pipe
CO: Clean Out
COP: Corrugated Plastic Pipe
DB: Dead Book
DI: Drop Inlet
DE: Drainage Easement
EOP: Edge of Pavement
EPP: Electric Power Pole
EPAN: Electric Panel
ESMT: Easement
FES: Flared End Section
FFE: Finish Floor Elevation
FH: Fire Hydrant
FLGP: Flag Pole
GA: Georgia
GM: Gas Meter
GW: Guy Wire
HDR: Hard Hat
HW: Headwall
ICV: Irrigation Control Valve
I.E.: Invert Elevation
IPF: Iron Pin Found
IPS: Iron Pin Set
LP: Light Pole
MW: Monitoring Well
N/F: Now or Formerly
OTF: Open Top Pipe
PB: Plot Book
PG: Page
PKF: PK Nail Found
PKS: PK Nail Set
POB: Point of Beginning
POC: Point of Commencement
PVC: Polyvinyl Chloride Pipe
RBC: Rebar Capped
RCP: Reinforced Concrete Pipe
RWM: Right of Way Monument
SSE: Sanitary Sewer Easement
SSMH: Sanitary Sewer Manhole
TRAN: Transformer
VCP: Vitrified Clay Pipe
W.D.F.: Wood Fence
WM: Water Meter
WV: Water Valve

LINETYPES
PROPERTY: Adjacent Property, Property Line, Center of Creek
EXISTING OVERHEAD: Overhead Wires
EXISTING UNDERGROUND: Cable, Electric, Fiber Optic, Gas, Telecommunications, Water, Television, Storm Drainage Line, Sanitary Sewer
FENCE LINES: Barb Wire Fence, Chain Link Fence, Wood Fence, Woven Wire Fence
SITE / TOPOGRAPHIC FEATURES: Guardrail

SHEET 1 OF 1
DRAWN BY: MSH
CHECKED BY: JWH
FILE NO.: 24001.01
DATE: 4/17/24
SCALE: 1" = 40'
DATE OF FIELD WORK: 4/12/24

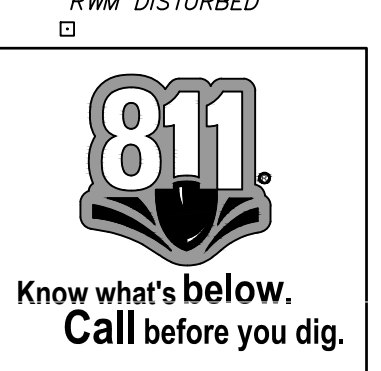
BOUNDARY SURVEY FOR CULTIVATE COMMUNITIES REAL ESTATE
5370, 5378, 5384 FLAT SHOALS PARKWAY

LAND LOT(S) 66
DISTRICT 15th
DEKALB COUNTY GEORGIA

REVISIONS table with columns for REV, DATE, DESCRIPTION, and BY.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS COLLECTED USING A TOPCON TOTAL STATION "ESI03", "ESI05", GEOMAX ZOOM90 ROBOTIC STATION, A GEOMAX ZENIUS800 SERIES DATA COLLECTOR, eGPS 20TL GNSS RECEIVER WITH A SITE-LOCALIZED RTK NETWORK, AND HAS A RELATIVE POSITIONAL ACCURACY OF 0.1 FEET.
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN xxxxx FEET.

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.
Date of Map or Plat:



4:3024202101SU/Drawings/24001.01 - BOUNDARY SURVEY/24001.01 - 4/17/2024 3:38 PM

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 66, of the 15th District, Dekalb County, Georgia and being more particularly described as follows:

BEGIN at a found right of way monument, said monument having coordinates of North: 1,340,503.0 and East: 2,283,210.3, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said monument located on the northerly right of way line of Flat Shoals Parkway (variable public right of way), said pipe being the TRUE POINT OF BEGINNING;

THENCE leaving said northerly right of way of Flat Shoals Parkway and proceed North 00 degrees 52 minutes 21 seconds East a distance of 247.43 feet to a found 3/8 inch rebar; thence South 84 degrees 21 minutes 05 seconds West a distance of 201.18 feet to a found 3/8 inch rebar; thence North 00 degrees 15 minutes 59 seconds East a distance of 198.56 feet to a found 3/8 inch rebar; thence North 02 degrees 11 minutes 02 seconds East a distance of 246.00 feet to a point; thence North 86 degrees 12 minutes 40 seconds East a distance of 528.43 feet to a point; thence North 85 degrees 50 minutes 42 seconds East a distance of 262.66 feet to a point; thence South 07 degrees 12 minutes 58 seconds East a distance of 351.55 feet to a found 3/8 inch rebar; thence South 80 degrees 45 minutes 21 seconds West a distance of 29.03 feet to a found 1/2 inch open top pipe; thence South 80 degrees 12 minutes 56 seconds West a distance of 100.71 feet to a found 1/2 inch open top pipe disturbed; thence South 80 degrees 52 minutes 30 seconds West a distance of 199.30 feet to a found 3/8 inch rebar; thence South 71 degrees 17 minutes 02 seconds West a distance of 126.72 feet to a point; thence South 00 degrees 11 minutes 28 seconds West a distance of 236.22 feet to a point located on said northerly right of way of Flat Shoals Parkway; thence along said northerly right of way the following courses and distances: South 78 degrees 28 minutes 38 seconds West a distance of 94.98 feet to a point; South 75 degrees 35 minutes 40 seconds West a distance of 112.25 feet to a point, said pipe being the TRUE POINT OF BEGINNING.

Tract or parcel contains 378,695 square feet or 8,694 acres.









Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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: _____

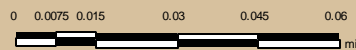
Planner: _____ Date: _____

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



DeKalb County Parcel Map

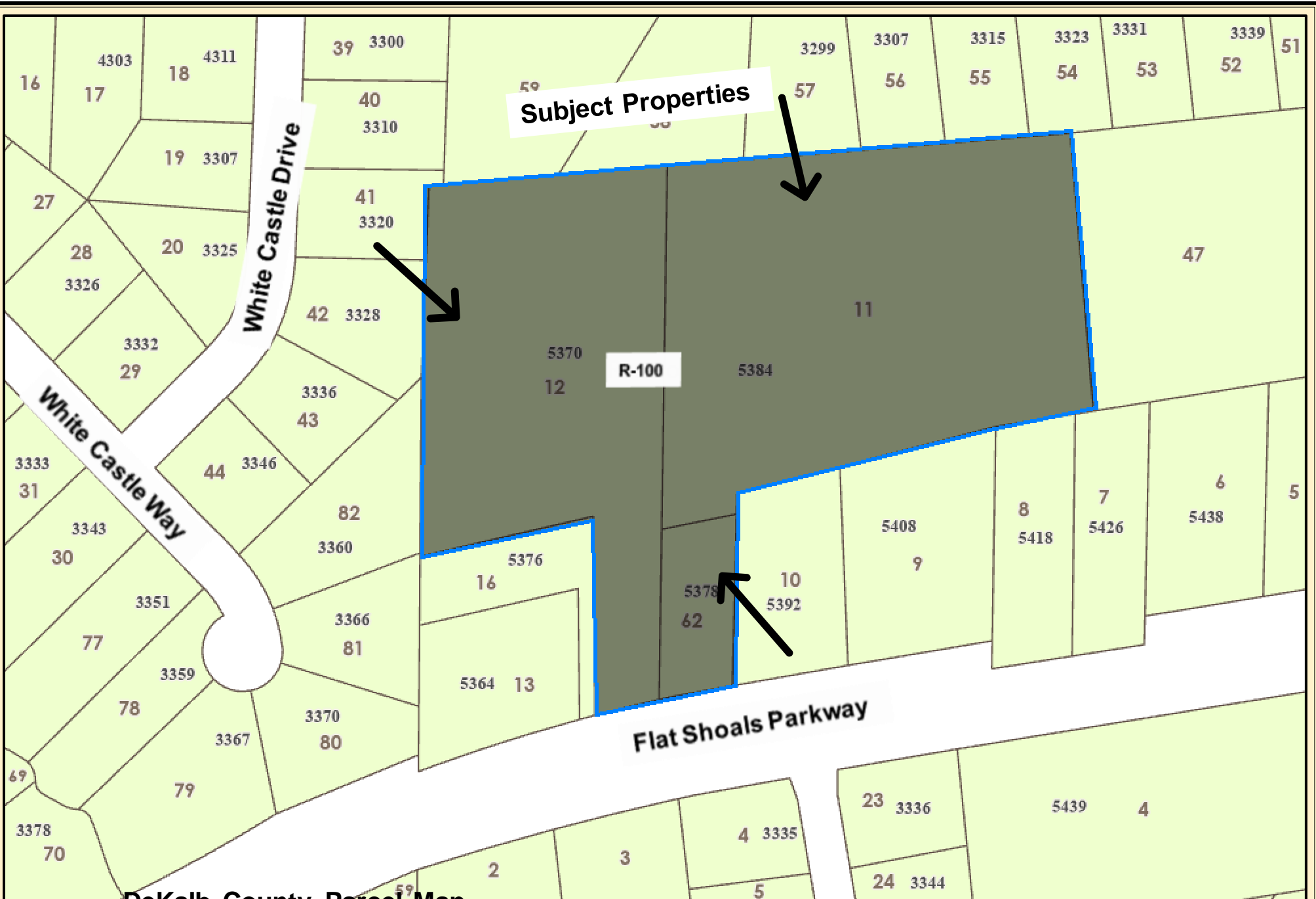


Date Printed: 5/22/2024



DeKalb County GIS Disclaimer

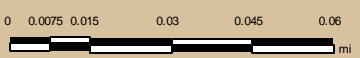
The maps and data contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should they be used or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.



Subject Properties

R-100

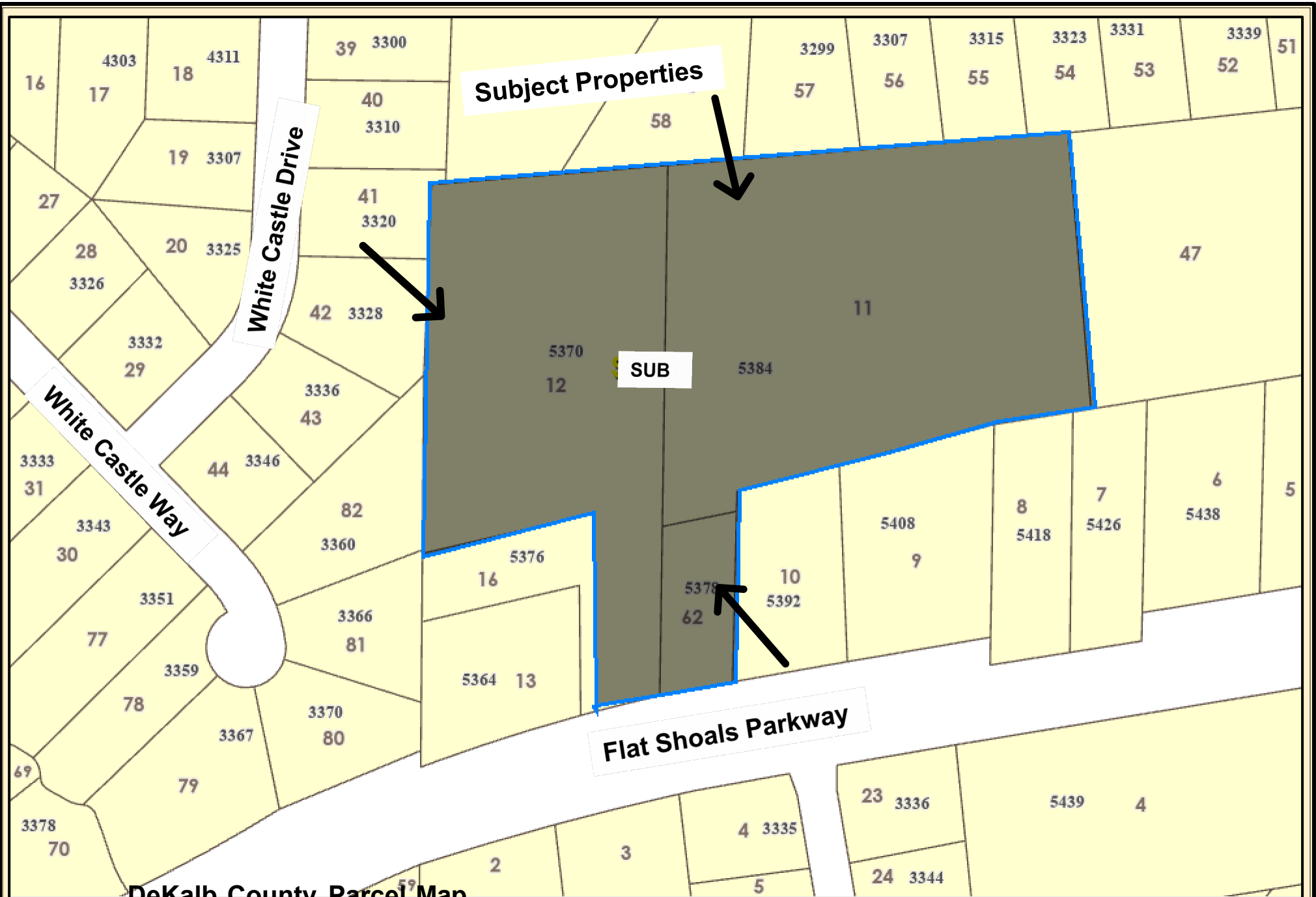
DeKalb County Parcel Map



Date Printed: 5/22/2024



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DeKalb County Parcel Map



0 0.0075 0.015 0.03 0.045 0.06



Date Printed: 5/22/2024



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REZONING



Case Number: **Z-24-1247008 (2024-0633)**
Site Location: **5370, 5384 & 5378 FLAT SHOALS PARKWAY**



ZONING

Purpose: To rezone property from R-100 (Residential Medium Lot-100) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family, attached dwellings.

Planning Commission
March 4, 2025
6:00 PM
Held virtually via Zoom →



Meeting Agendas & Info
tinyurl.com/DeKalbHearings
www.dekalbcountyga.gov
plansustain@dekalbcountyga.gov
(404) 371-2155

Board of Commissioners
March 27, 2025
5:30 PM
Held @ 178 Sams Street,
Decatur, GA 30030

COMMUNITY COUNCIL



Case Number: **Z-24-1247008 (2024-0633)**

Location: **5370, 5384, & 5378 FLAT SHOALS PKWY**



Purpose: To rezone property from R-100 (Residential Medium Lot-100) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family, attached dwellings.

Community Council Meeting – District 3

February 12, 2025

6:00 PM

Held virtually via Zoom



Meeting Agendas & Information

[TinyURL.com/DeKalbHearings](https://www.dekalbcountyga.gov)

www.dekalbcountyga.gov

plansustain@dekalbcountyga.gov

(404) 371-2155