



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

Michael
Thurmond

Planning Commission Hearing Date: May 4, 2021 5:30 PM
Board of Commissioners Hearing Date: May 27, 2021 5:30 PM

STAFF ANALYSIS

Case No.: Z-21-1244671 **Agenda #:** N5

Location/Address: 4743 Flat Shoals Pkwy,
Decatur, GA 30034 **Commission District:** 03 **Super District:** 07

Parcel ID: 15-061-03-001

Request: Request to rezone the property from O-I (Office Institutional) to MR-1 (Medium Density Residential) to allow for the development of 120 townhomes.

Property Owner(s): Daterco, Inc.

Applicant/Agent: D.R. Horton, Inc. c/o Battle Law P.C.

Acreage: 17.52 acres

Existing Land Use: Vacant

Surrounding Properties: To the north of the subject property is Flat Shoals Parkway, to the south is residential, to the west is residential, and to the east is commercial.

Adjacent Zoning: **North:** NS **South:** R-100 **East:** NS, MR-1, R-100 **West:** MR-1, RSM

Comprehensive Plan: **Neighborhood Center (NC)** **Consistent** **Inconsistent**

Proposed Density: 6.85 units per acre	Existing Density: N/A
Proposed Square Ft.: N/A	Existing Units/Square Feet: N/A
Proposed Lot Coverage: Less than 8 units per acre	Existing Lot Coverage: N/A

Subject Property

The subject property is a 17.52 acre site located on the south side of Flat Shoals Parkway and about 640 feet west of Wesley Chapel Road. The property is currently heavily forested and is split by Woodberry Parkway. The property is currently zoned OI (Office Institutional) and is bordered by both commercial and residential uses. Bordering the eastern property line are commercial uses. These commercial uses consist of an existing restaurant and bank zoned C-1 (Local Commercial) and NS (Neighborhood Shopping District). To the southeast of the subject property along the eastern property line is Parkway Grand, an existing garden-style apartment complex zoned R-100 (Residential Medium Lot-100). Bordering the western property line are both multifamily and single family residential units zoned MR-1 (Medium Density Residential) and RSM (Small Lot Residential). Bordering the northern property line is Flat Shoals Parkway and commercial uses that consist of both restaurant and retail zoned NS. The closest public school to the subject property is Chapel Hill Elementary School located about 1 mile east of the subject property. The closest natural body of water is Lehigh Lake located about one mile southeast of the subject property, and the closest water waterway is the South River, one mile south of the subject property.

Zoning History

Based on DeKalb County records, it appears that in 1989 Trinity Christian Center Santa Ana, Inc. requested to have the property rezoned from R-100 (Residential Medium Lot-100) to RSM (Small Lot Residential). The request was approved with conditions and the zoning was updated to reflect the request of the applicant. The conditions that accompany the rezoning approved are; 1. Access and road improvements as may be required by Georgia DOT and DeKalb Public Works; 2. Building limited to two stories. The *DeKalb County 2035 Comprehensive Plan* designates the subject property's future land use as Neighborhood Center (NC). The NC (Neighborhood Center) future land use designation allows for the development of townhomes and permits MR-1 (Medium Density Residential) zoning.

Project Analysis

Per the submitted rezoning application, the applicant is requesting the property be rezoned from OI (Office Institutional) to MR-1 (Medium Density Residential) for the purpose of constructing 120 single family attached townhomes. Based on the site plan provided by the applicant, the construction of these townhomes will require the partial deforestation of the site and the connection of new utilities to existing infrastructure. The project will have four connections to the existing private road (Woodberry Parkway). These connections will serve as both entrances and exits for residents, visitors, and various utility trucks when needed. 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 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. Based on the submitted plan there will be 37 to 40 parking spots designated for residents and visitors. The plan also appears to include the enhancement and installation of sidewalks along the private road (Woodberry Parkway).

Impact Analysis

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

The proposed rezoning is in conformity with the policies and intent of the *DeKalb County Comprehensive Plan*. The Comprehensive Plan designates this site as NC (Neighborhood Center) which has an intent to identify areas that can serve the local neighborhood's needs for goods and services. These areas shall complement the character of neighborhoods and the location of the commercial areas shall reduce automobile travel, promote walkability and increased transit usage. These areas consist of a neighborhood focal point with a concentration of activities such as general retail, neighborhood commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians. The proposed density for areas of this type is up to 24 dwelling units per acre.

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

The proposed rezoning to MR-1 (Medium Density Residential) for the development of 120 townhomes will permit a suitable use. The current zoning of most of the surrounding properties consist of R-100, RSM, and MR-1 designations. Within these zoning districts are existing single family and multi-family units.

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

The property to be affected by the zoning proposal does not appear to have reasonable economic use as currently zoned (O-I). Considering that the existing residential properties adjacent to the subject property are currently zoned R-100, RSM, and MR-1 and do have reasonable economic use, it is expected that the rezoning of the subject site from OI to MR-1 will present reasonable economic use for the subject property.

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

The rezoning request from O-I (Office Institutional) to MR-1 (Medium Density Residential) should not adversely affect the use or usability of adjacent properties. The current environment around the subject property consists of primarily single-family and multi-family residential units. With the rezoning from O-I to MR-1 the subject property would be used in a residential manner; consistent with the existing uses in the vicinity, therefore, having no adverse effect on the existing uses.

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:

There are existing conditions on the site that were approved in 1989 (CZ-89011). These conditions prevent any development on the site from exceeding 2-stories and requires that the property

comply with Georgia DOT road and access improvements as required. Based on the submitted plans it appears that the conditions have been considered and incorporated into the designs.

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

There are no known historic buildings, sites, districts or archeological resources that would be adversely affected by the rezoning request from O-I (Office Institutional) to MR-1 (Medium Density Residential).

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

While the request for rezoning from O-I (Office Institutional) to MR-1 (Medium Density Residential) will more than likely increase traffic counts, it is not expected that the rezoning will cause excessive or burdensome use of existing streets, transit facilities, utilities, or schools beyond what is currently experienced. Because the developments main entrance will be off of the existing secondary private road (Woodberry Parkway) and not off of the primary public road (Flat Shoals Parkway) the effects of traffic on public roads will be minimal.

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

The request for rezoning from O-I (Office Institutional) to MR-1 (Medium Density Residential) should not adversely impact the environment or surrounding natural resources beyond the partial deforestation of the site for the development of 120 units.

Compliance with district standards

Per the chart below, the proposed MR-1 (Medium Density Residential) single-family attached townhomes comply with minimum development standards of the MR-1 (Medium Density Residential) District per Table 2.4 of the DeKalb County Zoning Ordinance.

<u>MR-1 STANDARD</u>	<u>REQUIREMENT</u>	<u>PROPOSED</u>	<u>COMPLIANCE</u>
FRONT SETBACK	10ft min/20ft max	10ft min/20ft max	YES
FRONT W/ALLEY	5 FEET	5 FEET	YES
SIDE INTERIOR	0 FEET W/ 3 FEET BUILDING SEPARATION	15 FEET	YES

REAR W/O ALLEY	15 FEET	15 FEET	YES
REAR W/ALLEY	10 FEET	10 FEET	YES
SFA MIN SIZE	1200 SQ. FT.	NOT SHOWN	TBD
SFA MAX HEIGHT	3 STORIES/45 FEET	2 STORIES	YES

Staff Recommendation

Based on the impact analysis and zoning analysis above, the zoning proposal is consistent with the *2035 Comprehensive Plan*. The NC (Neighborhood Center) future land use designation supports the requested zoning designation. The rezoning from O-I (Office Institutional) to MR-1 (Medium Density Residential) would add to the vitality of the surrounding neighborhood and mesh well with existing residential uses. The zoning proposal will not adversely affect the existing use or usability of adjacent properties. Therefore, the Department of Planning and Sustainability recommends approval with the following conditions.

1. The subject property shall be developed in substantial conformity with the following site plans: “Flat Shoals Pkwy @ Woodberry Pkwy”, prepared by Planners and Engineers Collaborative, and included in the rezoning application package submitted by D.R. Horton, Inc. c/o Battle Law P.C. to the Dekalb County Planning and Sustainability department.
2. The applicants plans must adhere to the existing conditions (CZ-89011) of the site.
3. No future phases shall be developed on the site.



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director

APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. _____

Filing Fee: _____

Date Received: _____ Application No.: _____

Applicant: D.R. Horton, Inc c/o Battle Law P.C. E-Mail: mlb@battlawpc.com

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

Applicant Phone: 404-601-7616 Fax: 404-745-0045

Owner(s): Daterco, Inc. E-Mail: jdterry143@aol.com

(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 2021 Crown Dr. St. Augustine, FL. 32092

Owner(s) Phone: 954-483-8198 Fax: NA

Address/Location of Subject Property: 4743 Flat Shoals Parkway Decatur, GA. 30034

District(s): 15 Land Lot(s): 61 and 68 Block: 3 Parcel(s): 15 061 03 001

Acreage: 17.52 Commission District(s): 3, 7

Present Zoning Category: OI Proposed Zoning Category: MR-1

Present Land Use Category: NC

PLEASE READ THE FOLLOWING BEFORE SIGNING

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

Disclosure of Campaign Contributions

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

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

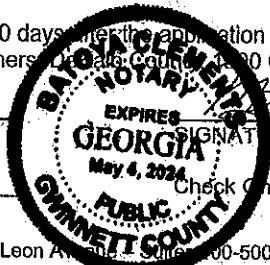
If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing;

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

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

May 04, 2024
EXPIRATION DATE / SEAL



SIGNATURE OF APPLICANT / DATE

Check One: Owner [] Agent [X]

330 West Ponce de Leon Avenue, Suite 300-500 - Decatur, Georgia - 30030
[voice] 404.371.2155 - [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007
Web Address http://www.dekalbcountyga.gov/planning
Email Address: planninganddevelopment@dekalbcountyga.gov

February 5, 2021

RE: A Proposed Rezoning Project at 4743 Flat Shoals Parkway, Decatur, GA 30034

Dear Property Owner:

We would like for you to join our Zoom Video Meeting Saturday, February 20, 2021 from 11:00am – 12:00pm to discuss the proposed rezoning of the property located at 4743 Flat Shoals Parkway, Decatur, GA 30034. My client, D.R. Horton, Inc. is seeking to rezone the property to allow for the development of a Townhome Community.

Below are the meeting instructions. There are multiple ways for you to join the meeting, including via your computer, tablet, or cell phone, with or without video. If you are unable to make it, but would like to learn more, please contact our office at (404) 601-7616 ext. 2 or email us at bdc@battlelawpc.com and we'll send you a summary of the meeting.

You are invited to a Zoom meeting.

When: Feb 20, 2021 11:00 AM Eastern Time (US and Canada)

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

or

One Tap Mobile: 1.646.558.8656

Meeting Id: 850 9158 9657

Passcode: 110187

Please contact our offices if you have any questions regarding the meeting.

Sincerely,


Michèle L. Battle



Zoom Step by Step 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” (the meeting ID will be a 9 digit or 10 digit number)

If joining from a mobile Device

If you are joining from a mobile device (Android smartphone/tablet, Apple iPhone/iPad) then it will simply prompt you to download the Zoom Cloud Meeting app from the App/Play Store.

If Joining from a Computer

When entering a Zoom meeting for the first time from a computer you may need to download a small application file. This process is easy to complete on all commonly used browsers. Google Chrome should automatically download the file.

Just before Entering the meeting you will be prompted to enter a display name. This name is simply to identify you in the meeting.

Join Audio via Computer

You will then be prompted how you wish to join your audio. If you wish to join audio via the telephone, follow the instructions further down, otherwise simply select Join Computer by Audio

Join Audio via Telephone

Dial in as using the number provided, however after entering the Meeting ID, you will be prompted to enter your Participant ID/Password. Simply enter this number followed by # and the video audio will then be synchronized.

Raising Your Hand

As the non-speaker if you wish to ask a question or make a point during the meeting it’s good protocol to use the “Raise Hand” facility.

If the tool bar is not showing at the bottom of the Zoom window, place your cursor over the Zoom window so it appears and select the “Participants” icon.

A window listing other participants will appear, there is also a “Raise Hand” icon, click the icon to make it known to the Host that you would like to raise your hand.

If you wish to lower your hand, click the “Lower Hand” icon that will have replaced the “Raise Hand” icon.

Leave Meeting

To leave a meeting from Zoom on your desktop, select “End Meeting” then “Leave Meeting.”



Registrants for 'D.R. Horton, Inc. - 4743 Flat Shoals Parkway Community Meeting'

Search by name or email Search

<input type="checkbox"/>	Registrants	Email Address	Registration Date	
<input type="checkbox"/>	Paulette Suggs	paulette_suggs@bellso uth.net	Feb 20, 2021 11:13 AM	Copy
<input type="checkbox"/>	Tiffany Hogan	tdhogan@drhorton.co m	Feb 20, 2021 11:05 AM	Copy
<input type="checkbox"/>	queenie jay	abdj7701@yahoo.com	Feb 20, 2021 10:57 AM	Copy
<input type="checkbox"/>	Joshua Mahoney	jsm@battlelawpc.com	Feb 20, 2021 10:55 AM	Copy
<input type="checkbox"/>	yt	msty21@aol.com	Feb 20, 2021 10:51 AM	Copy
<input type="checkbox"/>	E. Stevens	atgradio@gmail.com	Feb 20, 2021 10:44 AM	Copy

Cancel Registration

Resend Confirmation Email

STATEMENT OF INTENT AND
IMPACT ANALYSIS

and

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

of

D.R. Horton, Inc.
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.
Battle Law, P.C.
One West Court Square, Suite 750
Decatur, Georgia 30030
Phone: (404) 601-7616
Fax: (404) 745-0045
Email: mlb@battlelawpc.com

I. STATEMENT OF INTENT

The Applicant, D.R. Horton, Inc., 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 120 townhomes at a density of 6.85 units per acre, which is less than the 8 units per acre allowed. The Subject Property has a land use designation of Neighborhood Center (NC).

It is the Applicant’s desire to develop 120 townhomes 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 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 just

down the road from a commercial corridor where there are many restaurants and grocery stores. It is the Applicant's contention that the development of the Subject Property for townhomes 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. The proposed development will allow for townhome units to be developed which are a step up in design and price points from the neighboring townhomes.

- (b) Effect on adjacent property: The proposed development will have a positive impact on the surrounding community, as it will support the commercial district that has developed in this area. It is anticipated that the proposed units will have a sales price starting between \$200,000 and \$225,000 whereas the average price point in the community is \$166,000. As a result, the proposed project will push up the housing price points in the area for single-family detached homes by helping to establish a floor for resale of existing homes in the area which are at the lower end of the housing market.
- (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 be 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.

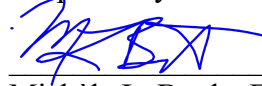
(f) Compatibility with Comprehensive Land Use Plan. The Subject Property has a land use designation of Neighborhood Center and is abutted by property with land use designations of Neighborhood Center and Suburban. The MR-1 zoning district is a permitted zoning district within the Neighborhood Center Land Use District.

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 24th day of February, 2021.

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.

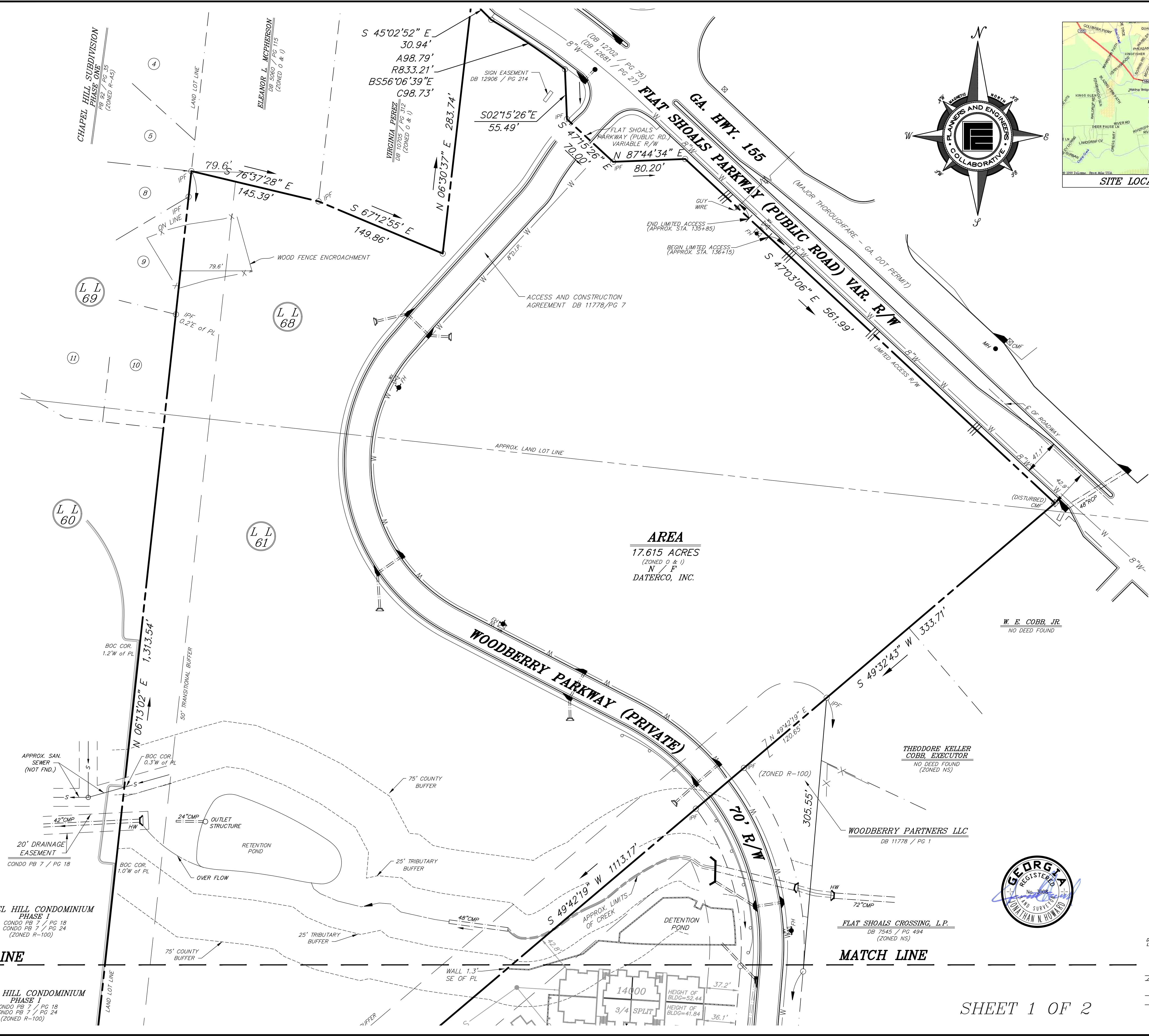
A refusal by the DeKalb County Board of Commissioners to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation 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.

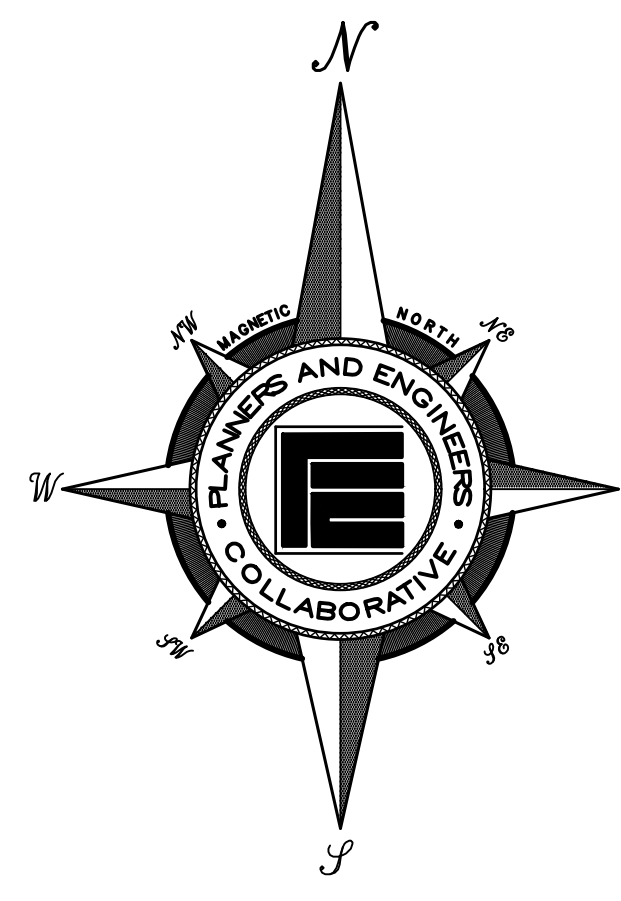
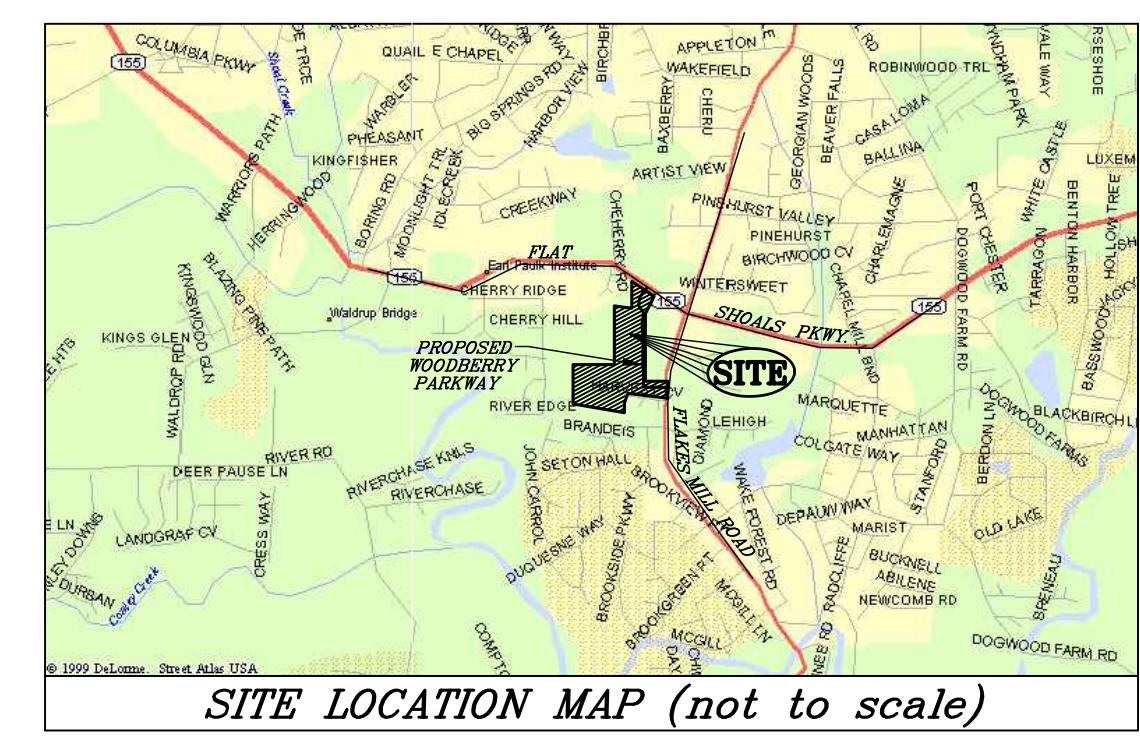
A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

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.

This document is the property of Flannes and Engineers Collaborative, Inc. and shall not be used for any other project without the written consent of Flannes and Engineers Collaborative, Inc.



AREA
 17.615 ACRES
 (ZONED O & 1)
 N / P
 DATERCO, INC.



- LEGEND**
- IPF IRON PIN FOUND (#4 Re-Rod unless noted otherwise)
 - PS IRON PIN SET (#4 Re-Rod unless noted otherwise)
 - OT PIPE IRON PIN FOUND (open top pipe)
 - CT PIPE IRON PIN SET (crimp top pipe)
 - POINT
 - C/MF CONCRETE MONUMENT FOUND
 - M/H SANITARY SEWER MANHOLE
 - S — SANITARY SEWER LINE
 - S — STORM DRAINAGE LINE
 - C — COMB. STORM & SAN. SEWER LINE
 - CURB INLET
 - JUNCTION BOX
 - DL DROP INLET
 - WL WEIR INLET
 - P/P POWER POLE
 - P/P W/ GUY WIRE POWER POLE W/ GUY WIRE
 - O/P OVERHEAD POWER / TELEPHONE LINE
 - W/V WATER VALVE
 - F/H FIRE HYDRANT
 - W — WATER LINE
 - G — UNDERGROUND GAS LINE
 - E — UNDERGROUND ELECTRIC LINE
 - T — UNDERGROUND TELEPHONE LINE
 - LIGHT POLE
 - EXISTING TREE
 - CALLS PER DEED (50x10' W)
 - TW — TOP OF WALL
 - BW — BOTTOM OF WALL
 - W (TYP) — WALL (TYP)
 - TRANSFORMER
 - L — LIMITED ACCESS RIGHT-OF-WAY
 - X — FENCE LINE
 - EP — EDGE OF PAVEMENT

DRAWN BY: SE
 CHECKED BY: JAH
 FILE NO.: 98214.01
 DATE: 02/25/2021
 SCALE: 1" = 50'
 DATE OF FIELD WORK: 2/23/21

DEKALB COUNTY GEORGIA

BOUNDARY SURVEY FOR DR HORTON HOMES

LAND LOTS 61 & 68 DISTRICT 15th

REV	DATE	DESCRIPTION	BY
5			
4			
3			
2			
1			

REVISIONS

GEORGIA REGISTERED LAND SURVEYOR No. 30088 THEODORUS HAN N. HOWARD

300 RESEARCH COURT #5A CUMBERLAND, GEORGIA 30092 (770)451-1741 WWW.FEC PLUS C.O.A.-LS500004



REAR ENTRY UNITS



DISCLAIMER: DESIGN IS CONCEPTUAL AT THIS STAGE, AND SUBJECT TO CHANGE DURING DESIGN DEVELOPMENT.

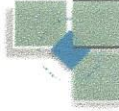




DeKalb County Department of Planning & Sustainability

Lee May
Interim Chief Executive Officer

Andrew A. Baker, AICP
Director



REZONE APPLICATION AUTHORIZATION

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

DATE: 2-22-21

CHECK TYPE OF APPLICATION:

- LAND USE PLAN
- REZONE
- MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

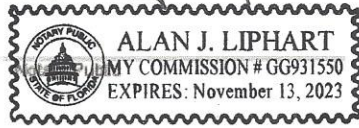
(I) (WE) Daterco, Inc.
(Name of owner(s))

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

D.R. Horton, Inc. c/o Battle Law, P.C.
(Name of Applicant or Agent Representing Owner)

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

Notary Public



Notary Public

Daterco, Inc.
Owner

Owner
Owner

Campaign Contribution Disclosure Statements
Last Updated 2/24/2021

CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

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

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

By: 
Printed Name: Michele L. Battle

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: NA Mix of Uses: NA 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: TBD

Comments: Chapel Park HOA was contacted.
of 122 units, 72 will be rear entry. front entry - 1 car garage;
rear entry - 2 car garage. Proposed connection to Woodberry Pkwy.
36 visitor plug spaces. Exceeds min. open space (40% proposed).
 Planner: Melora Furman Date 2/25/21

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

REZONING DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 61 & 68 of the 15th District, Dekalb County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the southwestern right-of-way line of Flat Shoals Parkway, also known as Georgia Highway 155 (variable right-of-way) and the proposed northwestern right-of-way line of Woodberry Parkway (proposed 70' right-of-way); thence along said right-of-way line of Flat Shoals Parkway the following courses and distances: South 47 degrees 15 minutes 26 seconds East a distance of 70.00 feet to a point; thence North 87 degrees 44 minutes 34 seconds East a distance of 80.20 feet to a point; thence South 47 degrees 3 minutes 6 seconds East a distance of 561.99 feet to a point; thence leaving said right-of-way line South 49 degrees 32 minutes 43 seconds West a distance of 333.71 feet to a point; thence South 49 degrees 42 minutes 19 seconds West a distance of 120.65 feet to a point; thence continue Southwesterly along said line, a distance of 70.12 feet; thence continue Southwesterly along said line, a distance of 922.40 feet; thence North 6 degrees 13 minutes 2 seconds East a distance of 1,313.54 feet to a point; thence South 76 degrees 37 minutes 28 seconds East a distance of 145.39 feet to a point; thence South 67 degrees 12 minutes 55 seconds East a distance of 149.86 feet to a point; thence North 6 degrees 30 minutes 37 seconds East a distance of 283.74 feet to a point; thence South 45 degrees 2 minutes 52 seconds East a distance of 30.94 feet to a point; thence 98.79 feet along an arc of a curve to the right, said curve having a radius of 833.21 feet and a chord bearing and distance of South 56 degrees 6 minutes 39 seconds East 98.73 feet to a point; thence South 2 degrees 15 minutes 26 seconds East a distance of 55.49 feet to a point to a point and the TRUE POINT OF BEGINNING.

Said tract containing 17.615 acres.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

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

Case No.: Z-21-1244671

Parcel I.D. #: 15-061-03-001

Address: 4743 Flat Shoals Pkwy

Decatur, Georgia

WATER:

Size of existing water main: 8" DI & 16" DI Water Main (~~adequate~~/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Snapfinger Creek Basin

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

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

Sewage Capacity; * (MGPD)

Current Flow: 21.77 (MGPD)

COMMENTS:

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

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

Signature: 



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

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

- **Flood Hazard Area/Wetlands**

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

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

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

- **Fire Safety**

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

Zoning Comments 4.19.21

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

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

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

N4. No comments

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

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

04/19/2021

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

General Comments:

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

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

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

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

This office must approve any proposed Food Service Operations, Tourist Accommodations, Body Art Studios, Swimming Pools and Water Parks prior to starting construction.

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

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation. Recommendation: Provide trash can with liner at each bus stop with bench and monitor for proper removal of waste.

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


Board of Health

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

DeKalb County Board of Health

445 Winn Way – Box 987

Decatur, GA 30031

404.294.3700 • www.dekalbhealth.net

**DeKalb County School District
Development Review Comments**

Analysis Date: 4/12/2021

Submitted to: DeKalb County

Case #: Z-21-1244671
Parcel #: 15-061-03-001

Name of Development: 4743 Flat Shoals Parkway
Location: Flat Shoals Parkway and Woodberry Parkway

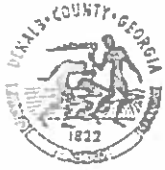
Description: 120 townhomes proposed on currently vacant land

Impact of Development: When fully constructed, this development would be expected to generate 44 students: 13 at Bob Mathis Elementary School, 6 at Chapel Hill Middle School, 11 at Southwest DeKalb High School, 14 at other DCSD schools, and 0 at private school. All three neighborhood schools are expected to have capacity for new students from this development

Current Condition of Schools	Bob Mathis Elementary School	Chapel Hill Middle School	Southwest DeKalb High School	Other DCSD Schools	Private Schools	Total
Capacity	423	1,084	1,850			
Portables	4	0	0			
Enrollment (Fcast. Oct. 2021)	382	765	1,270			
Seats Available	41	319	580			
Utilization (%)	90.3%	70.6%	68.6%			
New students from development	13	6	11	14	0	44

New Enrollment	395	771	1,281
New Seats Available	28	313	569
New Utilization	93.4%	71.1%	69.2%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.1049	0.0670	0.0026	0.0582
Middle	0.0530	0.0237	0.0000	0.0256
High	0.0896	0.0209	0.0020	0.0375
Total	0.0825	0.0372	0.0016	0.0404
Student Calculations				
Proposed Units	120			
Unit Type	TH			
Cluster	Southwest DeKalb High School			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	12.59	8.04	0.31	20.94
Middle	6.36	2.85	0.00	9.21
High	10.75	2.51	0.25	13.51
Total	29.70	13.40	0.56	43.66
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Bob Mathis Elementary School	13	8	0	21
Chapel Hill Middle School	6	3	0	9
Southwest DeKalb High School	11	3	0	14
Total	30	14	0	44



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

N-5

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER MMALEXANDER@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-21-1244671 Parcel I.D. #: 15-061-03-001

Address: 4743
Flat Shoals Pkwy
Decatur, GA

Adjacent Roadway (s):

(classification) (classification)

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

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH 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:

Plans and field reviewed. May want to consult GA DOT because of Flat Shoals Pkwy and traffic study may be needed, heavy traffic volume on Flat Shoals Pkwy. Will need GDOT approval

Signature: [Signature]

NEXT STEPS

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

Land Disturbance Permit *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*

Building Permit *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*

Certificate of Occupancy *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*

Plat Approval *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*

Sketch Plat Approval *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*

Overlay Review *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*

Historic Preservation *(Certificate of Appropriateness required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*

Variance or Special Exception *(Required seeking relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*

Minor Modification *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*

Major Modification *(Required submittal of a complete zoning application for a public hearing if there are any proposed changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*

Business License *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*

Alcohol License *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

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