

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:	than one owner, attach list of owners.
Owner Daytime Phone:	
Parcel ID#:	
Acreage:	
Present Zoning District(s):	
Proposed Zoning District:	
Present Land Use Designation:	
Proposed Land Use Designation (if appli	cable):



Government Services Center 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning

404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director

Lorraine Cochran-Johnson

Cedric G. Hudson, MCRP

PRE-APPLICATION FORM REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE

(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name:	Phone:	Email:	
Property Address:			
Tax Parcel ID:	Comm. District(s): _	Acreage:	
Existing Use:	Proposed	Use:	
Supplemental Regs:	Overlay District:	DRI:	
Rezoning: Yes No	_		
Existing Zoning:	Proposed Zoning:	_ Square Footage/Number of	Units:
Rezoning Request:			
Land Use Plan Amendment: Y	es 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 N	Meeting: Revie	w Calendar Dates: _	PC:	BOC:
Letter of Intent:Impa	act Analysis: Owne	er Authorization(s):_	Campaign	Disclosure:
Zoning Conditions:	Community Council	Meeting:	Public Notice, S	signs:
Tree Survey, Conservation:	Land Disturba	nce Permit (LDP): _	Sketch	Plat:
Bldg. Permits: F	ire Inspection: B	usiness License:	State Lic	ense:
Lighting Plan: Tent	Permit: Submitt	al Format: NO STA	APLES, NO BIN	DERS PLEASE
	Review	of Site Plan		
Density: Dens	sity Bonuses:	Mix of Uses:	:	Open Space:
Enhanced Open Space:	Setbacks: front	sides	side corner	rear
Lot Size: Frontage	: Street Wi	dths: Lan	ndscape Strips:	
Buffers: Parking L	ot Landscaping:	_Parking - Auto:	Parkin	g - Bicycle:
Screening: S	Streetscapes: Sid	ewalks:Fenci	ng/Walls:	
Bldg. Height: Bldg.	Orientation: Bldg.	Separation: E	Bldg. Materials: _	
Roofs: Fenestration:	Façade Design:	Garages:	Pedestrian	Plan:
Perimeter Landscape Strip:				
Possible Variances:				
Comments				
Comments:				
Planner:	Date:	_		
	FIL	ING FEES		
· · · · · · · · · · · · · · · · · · ·	00, R-85, R-75, R-60, MHP, R	,	\$500.00	
	HR-1, HR-2, HR-3, MU-1, MU NS, C1, C2, M, M2	-2, MU-3, MU-4, MU-5	\$750.00 \$750.00	
LAND USE MAP AMENDME			\$500.00	
SPECIAL LAND USE PERMI			\$400.00	



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Chief Executive Officer DEPARTMENT OF PLANNING & SUSTAINABILITY

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Lorraine Cochran-Johnson

PRE-APP FORM ADDITIONAL COMMENT PAGE, IF NEEDED

APPLICANT:	
ADDRESS/PARCEL:	
COMMENTS:	
PLANNER:	

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: <u>Feb. 12</u> , 2025	
TO WHOM IT MAY CONCERN:	
(I) (WE) Daterco, Inc.	
	Name of owner(s)
being (owner) (owners) of the subject prope authority to	rty described below or attached hereby delegate
Blue River Developmen	nt, LLC & Battle Law, P.C.
Name	of Agent or Representative
to file an application on (my) (our) behalf.	
ALLISON DENMARK Notary Public - State of Fig	Daterco, Inc.
Commission # HH 3050 th My Comm. Expires Aug 25,	91
Notary Public	Owner ()
Notary Public	Owner
Notary Public	Owner
Notary Public	Owner



DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

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

Yes ____ No X •

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

- 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. <u>and</u> to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

ALLISON DENMARK

Notary Public - State of Florida

Commission # HH 305091

My Comm. Expires Aug 25, 2026

Expiration Date/ Seal

Daterco, Inc.

Signature of Applicant /Date

Check one: Owner _____ Agent_____

^{*}Notary seal not needed if answer is "no".



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Have you, the applicant, made \$250.00 or more in campai two years immediately preceding the filling of this applicant		
Yes No <u>*</u>		
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 governme made.	nt official to whom the campaign contribution was	
2. The dollar amount and description of each campaign of preceding the filing of this application and the date of	contribution made during the two years immediately each such contribution.	
The disclosure must be filed within 10 days after the ap to the C.E.O. <u>and</u> to the Board of Commissioners of Dek GA 30030.	plication is first filed and must be submitted Calb County, 1300 Commerce Drive, Decatur,	
	Blue River Development, LLC	
	By: Signature of Applicant /Date	
Notary	Signature of Applicant /Date Dalton Duriez Director Check one: OwnerAgent	
Expiration Date/ Seal		

^{*}Notary seal not needed if answer is "no".



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Notary

Signature of Applicant /Date

Check one: Owner____Agent_XX

Expiration Seal Continued to the Seal Contin

^{*}Notary seal not needed if answer is "no".

DEKALB COUNTY, GA

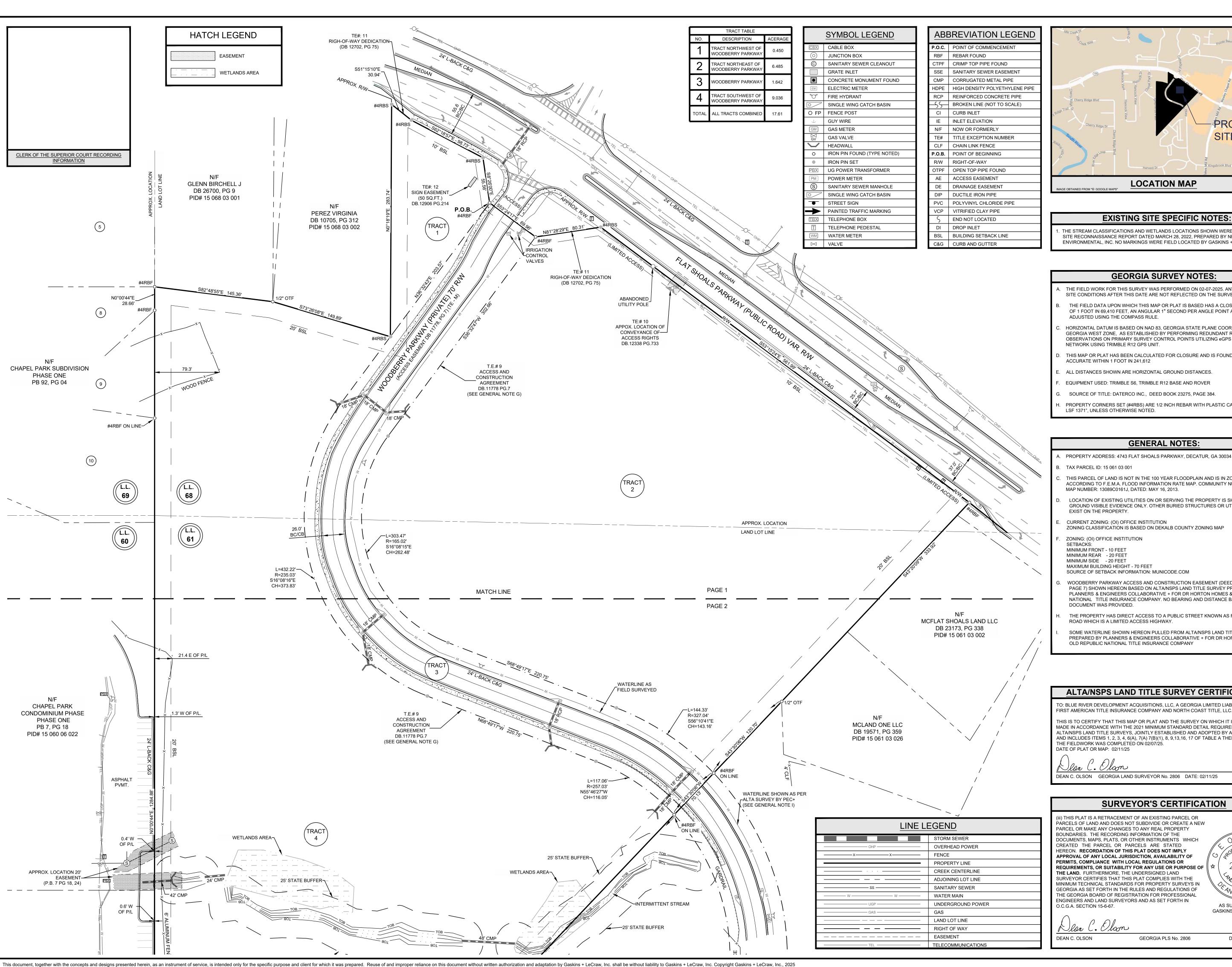
Campaign Contribution Disclosure Statements

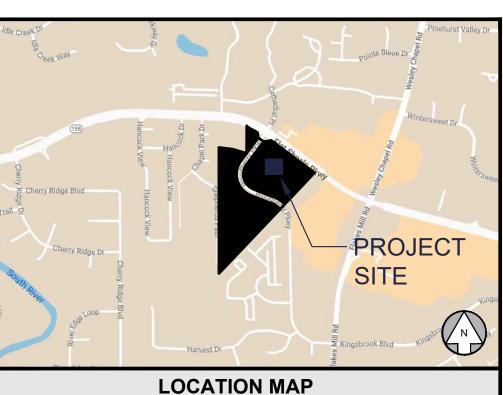
CAMPAIGN CONTRIBUTIONS DISCLOSURE STATEMENT

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

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

Printed Names





PREPARED IN THE OFFICE OF:

© 2025 GASKINS + LECRAW, INC. 1266 POWDER SPRINGS RD SW

MARIETTA, GA 30064

PHONE - 770.424.7168 www.gaskinslecraw.com

REVISIONS:

EXISTING SITE SPECIFIC NOTES:

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

GEORGIA SURVEY NOTES:

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

GENERAL NOTES:

- PROPERTY ADDRESS: 4743 FLAT SHOALS PARKWAY, DECATUR, GA 30034
- TAX PARCEL ID: 15 061 03 001
- THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOODPLAIN AND IS IN ZONE "X" ACCORDING TO F.E.M.A. FLOOD INFORMATION RATE MAP. COMMUNITY NUMBER: 130065, MAP NUMBER: 13089C0161J. DATED: MAY 16. 2013.
- LOCATION OF EXISTING UTILITIES ON OR SERVING THE PROPERTY IS SHOWN BY ABOVE GROUND VISIBLE EVIDENCE ONLY. OTHER BURIED STRUCTURES OR UTILITIES MAY EXIST ON THE PROPERTY.
- CURRENT ZONING: (OI) OFFICE INSTITUTION
- ZONING CLASSIFICATION IS BASED ON DEKALB COUNTY ZONING MAP
- ZONING: (OI) OFFICE INSTITUTION
- MINIMUM REAR 20 FEET MINIMUM SIDE - 20 FEET
- MAXIMUM BUILDING HEIGHT 70 FEET SOURCE OF SETBACK INFORMATION: MUNICODE.COM
- WOODBERRY PARKWAY ACCESS AND CONSTRUCTION EASEMENT (DEED BOOK 11778 PAGE 7) SHOWN HEREON BASED ON ALTA/NSPS LAND TITLE SURVEY PREPARED BY PLANNERS & ENGINEERS COLLABORATIVE + FOR DR HORTON HOMES & OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY. NO BEARING AND DISTANCE BASED
- THE PROPERTY HAS DIRECT ACCESS TO A PUBLIC STREET KNOWN AS FLAT SHOALS
- ROAD WHICH IS A LIMITED ACCESS HIGHWAY. SOME WATERLINE SHOWN HEREON PULLED FROM ALTA/NSPS LAND TITLE SURVEY PREPARED BY PLANNERS & ENGINEERS COLLABORATIVE + FOR DR HORTON HOMES &

ALTA/NSPS LAND TITLE SURVEY CERTIFICATION:

TO: BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC, A GEORGIA LIMITED LIABILITY COMPANY,

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

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

GEORGIA PLS No. 2806

SURVEYOR'S CERTIFICATION

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

AS SURVEYOR FOR GASKINS + LECRAW, INC.

DATE: 02/11/25

SHEET NUMBER

REVIEWED BY:

CALL BEFORE YOU DIG

Know what's below.

SCALE & NORTH ARROW

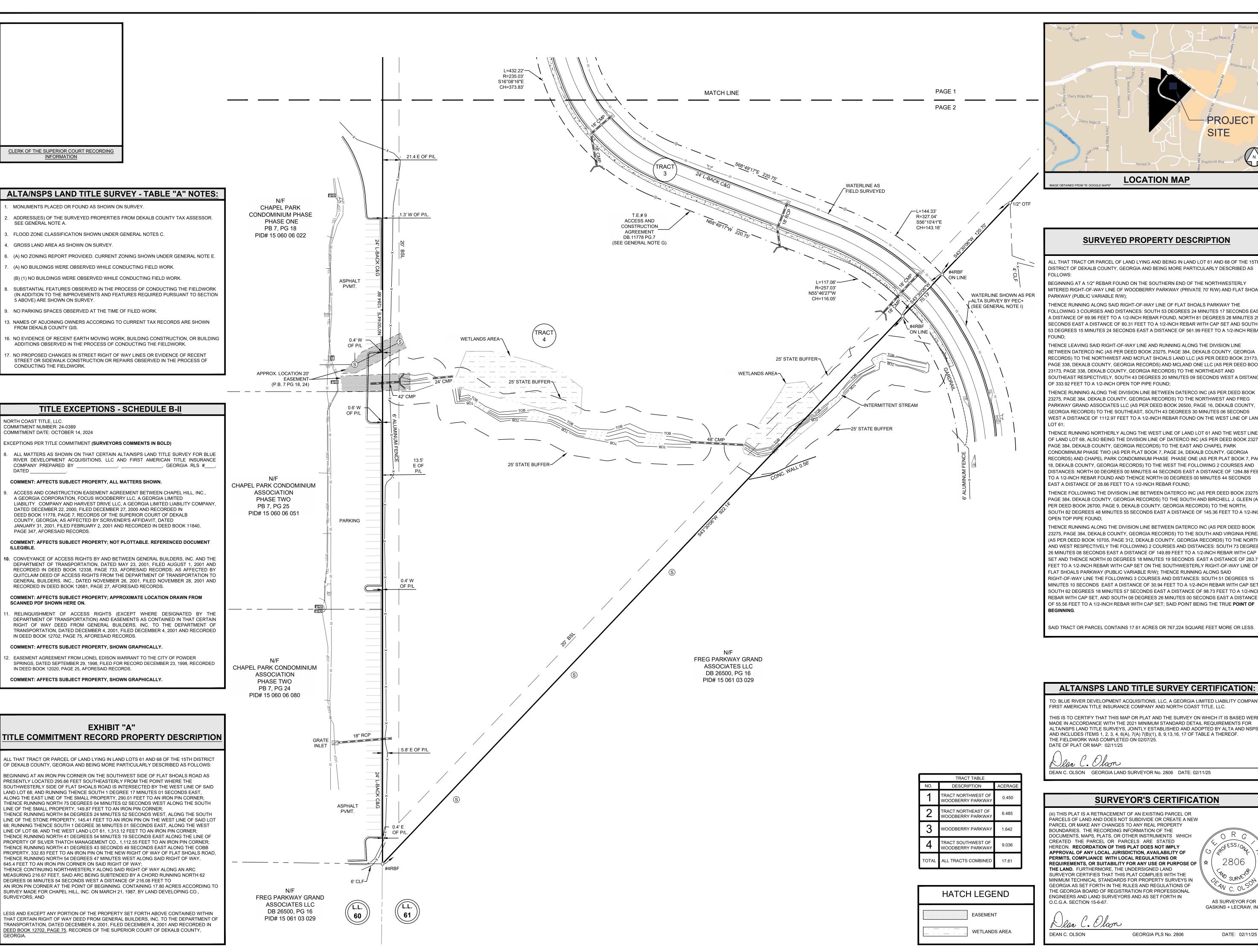
GRID NORTH, GEORGIA WEST ZONE

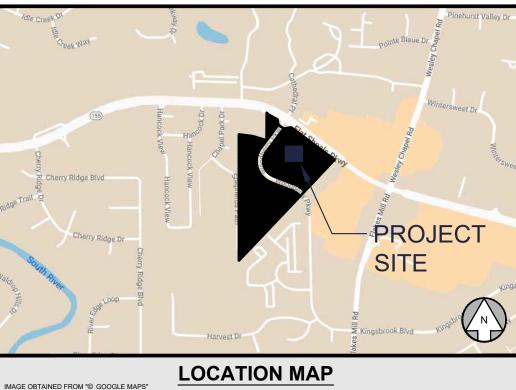
SCALE: 1" = 50'

SURVEY INFO:

02970004.000

Call before you dig.





SURVEYED PROPERTY DESCRIPTION

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

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

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

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

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

HENCE RUNNING NORTHERLY ALONG THE WEST LINE OF LAND LOT 61 AND THE WEST LINE F LAND LOT 68, ALSO BEING THE DIVISION LINE OF DATERCO INC (AS PER DEED BOOK 23275, PAGE 384, DEKALB COUNTY, GEORGIA RECORDS) TO THE EAST AND CHAPEL PARK CONDOMINIUM PHASE TWO (AS PER PLAT BOOK 7, PAGE 24, DEKALB COUNTY, GEORGIA RECORDS) AND CHAPEL PARK CONDOMINIUM PHASE PHASE ONE (AS PER PLAT BOOK 7, PAGE 8, DEKALB COUNTY, GEORGIA RECORDS) TO THE WEST THE FOLLOWING 2 COURSES AND DISTANCES: NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST A DISTANCE OF 1284.88 FEET TO A 1/2-INCH REBAR FOUND AND THENCE NORTH 00 DEGREES 00 MINUTES 44 SECONDS EAST A DISTANCE OF 28.66 FEET TO A 1/2-INCH REBAR FOUND;

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

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

ALTA/NSPS LAND TITLE SURVEY CERTIFICATION:

TO: BLUE RIVER DEVELOPMENT ACQUISITIONS, LLC, A GEORGIA LIMITED LIABILITY COMPANY.

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

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

SURVEYOR'S CERTIFICATION

GEORGIA PLS No. 2806

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2806 AS SURVEYOR FOR GASKINS + LECRAW, INC.

REVIEWED BY:

SHEET NUMBER

DATE: 02/11/25

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization by Gaskins + LeCraw, Inc. shall be without liability to Gaskins + LeCraw, Inc. Copyright Gaskins + LeCraw, Inc., 2025

PREPARED IN THE OFFICE OF: © 2025 GASKINS + LECRAW, INC 1266 POWDER SPRINGS RD SW MARIETTA, GA 30064

> PHONE - 770.424.7168 www.gaskinslecraw.com

> > **REVISIONS:**

SH

CALL BEFORE YOU DIG

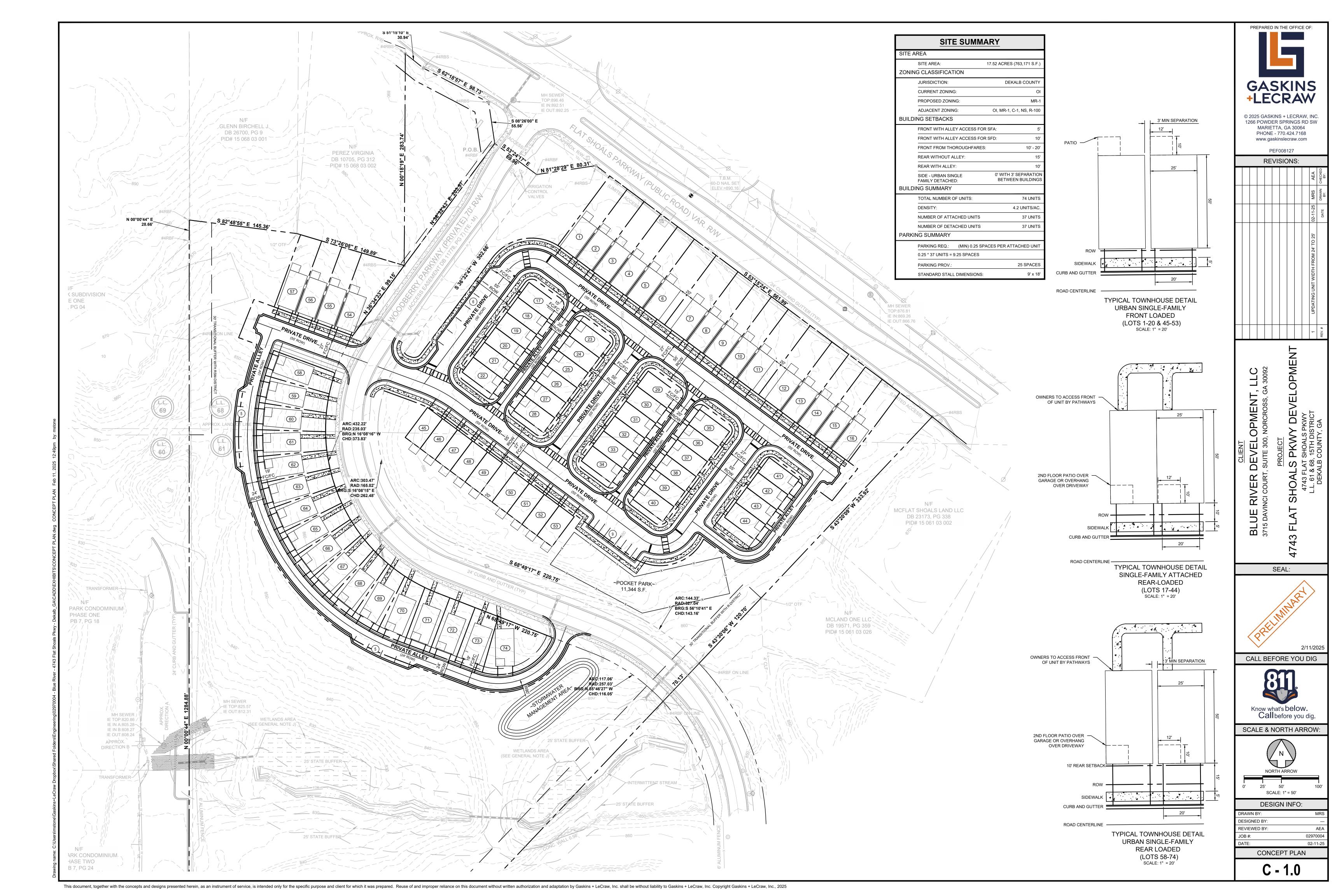
Know what's below. Call before you dig.

SCALE & NORTH ARROW:

GRID NORTH, GEORGIA WEST ZONE

SCALE: 1" = 50' SURVEY INFO:

02970004.000



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

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

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









STATEMENT OF INTENT AND IMPACT ANALYSIS

and

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

of

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

for

17.52± acres of land located at 4743 Flat Shoals Parkway

From OI to MR-1

Submitted for Applicant by:

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I. STATEMENT OF INTENT

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

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

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

II. IMPACT ANALYSIS

- (a) <u>Suitability of use</u>: The proposed rezoning will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property. The Subject Property is abutted by parcels zoned MR-1, R-100, RSM, NS, and C-1. The Subject Property is near the commercial corridor at the intersection of Flat Shoals Parkway and Flakes Mill Road where there are many restaurants, retail stores and multiple grocery stores. It is the Applicant's contention that the proposed development is consistent with the abutting residential and commercial developments and will support existing businesses in the commercial district as well as attract new businesses to the district.
- (b) <u>Effect on adjacent property</u>: The proposed development will have a positive impact on the surrounding community, as it will support the redevelopment of this commercial corridor as contemplated by the current Comprehensive Land Use Plan for the area.
- (c) <u>Economic use of current zoning</u>: 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) <u>Effect on public facilities</u>: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, or utilities in the area. Flat Shoals Parkway is a heavily used arterial road. All access to the community will be off Woodberry Parkway, and any project improvements required by DeKalb County will addressed.

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

IV. CONCLUSION

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

This 11th day of February, 2025.

Respectfully submitted,

Michèle L. Battle, Esq. Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF

CONSTUTIONAL 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.



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

Zoom Instructions:

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

We encourage you to come out and participate!

For More Information Contact Jordan Battle at: Phone: 404-601-7616 ext. 8 Fax: 404-745-0045 Email: jeb@battlelawpc.com COMMUNITY MEETING TO
DISCUSS A REZONING
APPLICATION TO ALLOW FOR A
DEVELOPMENT OF A 74 UNIT
MIXED RESIDENTIAL
COMMUNITY

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

When: January 20, 2025

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

Register in advance for this meeting: https://otago.zoom.us/join

Meeting ID: 892 1107 5291

Password: 622686

Parcel(s): 15 061 03 001



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We encourage you to come out and participate!

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

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

When: January 28, 2025

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

Register in advance for this meeting: https://otago.zoom.us/join

Meeting ID: 892 1107 5291

Password: 622686

LE SAGE LLC	CLEMENTS MELODY D	TRIRAY HOLDINGS LLC
1700 NORTHSIDE DR BLDG/STE A7/PMB1785	3490 SHEPHERDS PATH	410 SANDRINGHAM CT
ATLANTA , GA 30034	DECATUR , GA 30034	WINTER SPRINGS , FL 30034
D R HORTON INC	JACKSON LA TRECIA W	Z REALTY LLC
1371 DOGWOOD DR SW	3471 SHEPHERDS PATH	2103 LACROIX WAY
CONYERS , GA 30034	DECATUR , GA 30034	CONYERS , GA 30034
HAYDEN LINDA	JACKSON GAIL MITCHELL	CHAPEL PARK CONDONIMIUN
361 17TH ST NW # 722	3427 UPTON AVE N	3473 SHEPHERDS PATH
ATLANTA , GA 30034	MINNEAPOLIS , MN 30034	DECATUR , GA 30034
RICHARD AND BETH D RUTHERFORD REVOC TRST	PARK PLACE COMMUNITIES INC	BRYE MARY S
992 MOUNTAIN PAGE RD	3473 SHEPHERDS PATH	3504 SHEPHERDS PATH
SALUDA , NC 30034	DECATUR , GA 30034	DECATUR , GA 30034
SCOTT TAMMI	LEE MEGAN	RODRIGUEZ CARLOS EDGAR
3478 SHEPHERDS PATH	1067 SUNNY GLENN CT	4395 PINEVIEW DR
DECATUR , GA 30034	LAWRENCEVILLE , GA 30034	POWDER SPRINGS , GA 30034
LUMMUS ROSE	BARLINSKY AHARON	NRNS GROUP LLC
3496 CHERRY RIDGE PL	3851 HOLCOMB BRIDGE RD STE 300	3050 FIVE FORKS TRICKUM RD STE D5
DECATUR , GA 30034	NORCROSS , GA 30034	LILBURN, GA 30034
WHITE ZION	SECRETS OF REAL ESTATE LLC	MABRY JOHN Q SR
3482 SHEPHERDS PATH	599 COOPER ST SW	3510 SHEPHERDS PATH
DECATUR , GA 30034	ATLANTA, GA 30034	DECATUR , GA 30034
MANSARAY MOHAMED	BRYAN SHAKEMA	ST REDEVELOPMENT GROUP INC
3484 SHEPHERDS PATH	2522 WESTCHESTER WAY SE	120 TREEBROOK WAY
DECATUR , GA 30034	CONYERS , GA 30034	FAYETTEVILLE, GA 30034
HOME SFR BORROWER IV LLC	SECRETS OF REAL ESTATE LLC	GARCIA PROPERTY GROUP LLC
PO BOX 4090	400 PRYOR ST	2028 WRIGHTS WAY
SCOTTSDALE , AZ 30034	ATLANTA , GA 30034	JONESBORO , GA 30034
SHAH DYLAN DIPAK	NASAJPOUR HABIB DAVID	WHITE-ROBERTS YVONNE
5660 GROVE PLACE XRD SW	104 STUART CASTLE WAY SE	3516 SHEPHERDS PATH
LILBURN , GA 30034	SMYRNA , GA 30034	DECATUR , GA 30034

HAG LLC	MORIN AYISHAH	CHAPEL PARK CONDOMINIUM ASSOC
3518 SHEPHERD PATH	3509 SHEPHERDS PATH	3473 SHEPHERDS PATH
DECATUR, GA 30034	DECATUR, GA 30034	DECATUR , GA 30034
KELLY DEBORAH M	SHUKRUN BARAK	TURNQUEST YVONNE C
3520 SHEPHERDS PATH	3851 HOLCOMB BRIDGE ROAD #300	3604 SHEPHERDS PATH
DECATUR , GA 30034	NORCROSS, GA 30034	DECATUR , GA 30034
JACKSON DEPHNE I	ISLANDMAN INVESTMENTS LLC	STEPHENS TERRY G
3522 SHEPHERDS PATH	P O BOX 1098	3606 SHEPHERDS PATH
DECATUR , GA 30034	MABLETON , GA 30034	DECATUR , GA 30034
RANDOLPH LEON C	EQUITABLE HOUSING LLC	WILLIAMS CYNTHIA A
5825 HAROLD WAY APT 7	3515 SHEPHERDS PATH	3608 SHEPHERDS PATH
LOS ANGELES , CA 30034	DECATUR, GA 30034	DECATUR, GA 30034
KIHARA ALICE	MADUKA EMMANUEL O	JOHNSON GLADYS
4575 WELSHFIELD CT NW	3896 STONEBRIAR LN	3610 SHEPHERDS PATH
KENNESAW , GA 30034	DULUTH , GA 30034	DECATUR , GA 30034
3500 SHEPHERDS PATH LLC	MCCLARTY NOREEN	ULMER JOSEPH
2003 ROCKY BROOK CT	3519 SHEPHERDS PATH	20885 REDWOOD RD # 306
MCDONOUGH , GA 30034	DECATUR, GA 30034	CASTRO VALLEY , CA 30034
HENDERSON ZELDA	RINGO NIQUINA	PERKINS ZAKIA C
3501 SHEPHERDS PATH	3521 SHEPHERDS PATH	PO BOX 370029
DECATUR, GA 30034	DECATUR , GA 30034	DECATUR , GA 30034
BROWN SALIHAH	WATKINS JUDITH ANNE DREW	ST REDEVELOPMENT GROUP INC
3502 SHEPHERDS PATH	109 MILAM DR	120 TREEBROOKE WAY
DECATUR , GA 30034	ELLENWOOD , GA 30034	FAYETTEVILLE, GA 30034
T AND Z REALTY LLC	BROWN SALIHAH	BOWLING ROBERT
2103 LACROIX WAY	3885 TOLLIVER HLS	3618 SHEPHERDS PATH
CONYERS , GA 30034	ELLENWOOD , GA 30034	DECATUR , GA 30034
JONES RENEE DENISE	MOODY ANTONIO	OTOKI GLINDA
30042 MISSION BLVD PMB 121 MB 233	117 CENTENNIAL DR	3622 SHEPHERDS PATH
HAYWARD , CA 30034	STOCKBRIDGE , GA 30034	DECATUR , GA 30034

AVALON GEORGIA II LLC	RIVERS ANGELA	DDR SAU DECATUR FLAT SHOALS LLC
187 ARROWOOD CORNER RD	3617 SHEPARDS PATH	3300 ENTERPRISE PKWY
CLEVELAND , GA 30034	DECATUR , GA 30034	BEACHWOOD , OH 30034
AUSBORN CORNELIUS	PERKINS ZAKIA	DDR SAU DECATUR FLAT SHOALS LLC
33606 9TH ST	PO BOX 370029	800 COMMERCE DR STE 300
UNION CITY , GA 30034	DECATUR , GA 30034	OAK BROOK , IL 30034
PJS RENTAL PROPERTIES LLC	FOUR LIONS OF ABYSSINIA INC	FREG PARKWAY GRAND ASSOCIATES LLC
5526 STONELEIGH CT	2473 DAVENTRY WALK	240 SAINT PAUL DR S STE 400
STONE MOUNTAIN , GA 30034	DULUTH , GA 30034	DENVER , CO 30034
TWIN CRIBS LLC	BATTLE LAWRENCE K	HIRAM PROPERTIES INC
8343 ROSWELL RD STE 164	24 NORRIS ST STE 3	3905 LAVISTA RD STE C
ATLANTA , GA 30034	CAMBRIDGE , MA 30034	TUCKER, GA 30034
HORTON PAMELA K	RAZ GIDEON	B H P INVESTMENT CO
361 17TH ST NW UNIT 716	3851 HOLCOMB BRIDGE RD STE 300	PO BOX 82640
ATLANTA , GA 30034	PEACHTREE CORNERS , GA 30034	HAPEVILLE , GA 30034
CHIEFTAIN RESIDENTIAL LP	CHAPEL PARK CONDOMINIUM ASSOC	THE HUDSON HOLDING COMPANY
17 NE 4TH ST	1050 CROWN POINTE PKWY # 500	4746 FLAT SHOALS PKWY # 100
FORT LAUDERDALE , FL 30034	ATLANTA , GA 30034	DECATUR , GA 30034
ALOZIE OBINNA SAMUEL	DATERCO INC	WAFFLE HOUSE INC
3609 SHEPHERDS PATH	98137 Little Piney Island Point	6000 LAKE FORREST DR STE 495
DECATUR, GA 30034	AMELIA ISLAND , FL 30034	ATLANTA , GA 30034
PRICE PAUL D	SSR DEKALB HOLDINGS LLC	HUDSON HOLDING COMPANY
4413 WESLEYAN POINTE	248 PRINCE AVE	4746 FLAT SHOALS PKWY
DECATUR , GA 30034	ATHENS , GA 30034	DECATUR , GA 30034
TRIRAY HOLDINGS, LLC	URBAN RETAIL LLC	GLENN BIRCHELL J
410 SANDRINGHAM CT	3905 LAVISTA RD STE C	113 COLOMNS DR
WINTER SPRINGS , FL 30034	TUCKER , GA 30034	LITHIA SPRINGS , GA 30034
BURKS PIPER R 3615 SHEPHERDS PATH	FIRST UNION NATIONAL BANK CORP PO BOX 2609 CARLSBAD , CA 30034	PEREZ VIRGINIA 4721 FLAT SHOALS PKWY

CARLSBAD, CA 30034

DECATUR, GA 30034

DECATUR, GA 30034

JACKSON DELORES W	WATTS REEVES BETTY	BADIATA HANNAH
735 HIGHLAND OAKS DR	3619 HANCOCK VW	3587 HANCOCK VWS
ATLANTA , GA 30034	DECATUR, GA 30034	DECATUR , GA 30034
GREATER TRAVELERS REST BAPTIST CHURCH IN	POWELL SANDRA B	HUBBARD KENDAL F
4650 FLAT SHOALS PKWY	3615 HANCOCK VW	3583 HANCOCK VW
DECATUR, GA 30034	DECATUR , GA 30034	DECATUR , GA 30034
VM MASTER ISSUER LLC	SEEK FIRST LLC	JAMES ERIN
5001 PLAZA ON THE LK STE 200	5075 GOLFBROOK DR	3579 HANCOCK VW
AUSTIN, TX 30034	STONE MOUNTAIN , GA 30034	DECATUR , GA 30034
I AND G SFR II BORROWER LLC	HANCOCK HEIGHTS 2 HOMEOWNERS ASSOCIATION	ABADULA FAYO
3431 CHAPEL PARK DR	PO BOX 250246	3575 HANCOCK VW
DECATUR , GA 30034	ATLANTA , GA 30034	DECATUR , GA 30034
RNS MANAGEMENT LLC	MABROUK MOHAMED HASSAN	DIALLO OUMOU
2615 ARBOR VALLEY DR	39 24TH ST STE 4	3571 HANCOCK VW
CUMMING , GA 30034	LONG ISLAND CITY , GA 30034	DECATUR , GA 30034
THOMPSON ASHANTE	MILLER GLORIA J	SENNAYASWAMY RAMAKRISHNAN
3702 HANCOCK DR	3607 HANCOCK VW	3567 HANCOCK VW
DECATUR, GA 30034	DECATUR , GA 30034	DECATUR , GA 30034
MADISON CORNELIUS	HANSLEY CARLA	STANDIFER DANDRIA D
3715 HANCOCK DR	3603 HANCOCK VW	3563 HANCOCK VW
DECATUR , GA 30034	DECATUR , GA 30034	DECATUR , GA 30034
2018 3 IH BORROWER LP	MCINTOSH III ELIJAH T	SUPPLICE MIKE
P.O. BOX 4900	3599 HANCOCK VW	3559 HANCOCK VW
SCOTTSDALE , AZ 30034	DECATUR , GA 30034	DECATUR , GA 30034
WARREN EDDIE LEE	WATKINS KEVIN N	GORDON SALIM AKIL SR
3703 HANCOCK DR	3595 HANCOCK VW	3555 HANCOCK VW
DECATUR , GA 30034	DECATUR , GA 30034	DECATUR , GA 30034
2018 2 IH BORROWER LP	THOMAS DUANE	BOYD GEORGE R
P.O. BOX 4900	3591 HANCOCK VW	3551 HANCOCK VW
SCOTTSDALE , AZ 30034	DECATUR , GA 30034	ATLANTA , GA 30034

BAF ASSETS LLC 5001 PLAZA ON THE LK STE 200 AUSTIN , TX 30034 JOHNSON DEREK E 3782 BISHOP CT DECATUR, GA 30034

STEVENSON EMMITT 3785 WESLEY VW DECATUR, GA 30034 WHANGER LEE A 3778 BISHOP CT DECATUR, GA 30034

GONZALES JEAN L 3789 WESLEY VW DECATUR, GA 30034

SUGGS PAULETTE N 3788 WESLEY VW DECATUR, GA 30034

CARABALLO TAKEISHA 3784 WESLEY VW DECATUR, GA 30034

TRANS AM SFE II LLC 5001 PLAZA ON THE LK # 200 AUSTIN , TX 30034

PFIN II F LLC 6300 POWERS FERRY RD STE 600 142 ATLANTA , GA 30034

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

FEHICHITAN EMERICK 3787 BISHOP CT DECATUR, GA 30034

DAWSON DEMETRIA LANAY 3786 BISHOP CT DECATUR, GA 30034 Name (original name) Email

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