**Public Hearing: YES** ⊠ **NO** □ **Department:** Planning & Sustainability

### **SUBJECT:**

COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of KBD Development c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the construction of single-family attached townhomes in the Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of RSM District, at 2098 & 2124 Cedar Grove Road and 3345 Bouldercrest Road.

PETITION NO: D4-2023-0341 SLUP-23-1246391

PROPOSED USE: Single-family, attached townhomes.

LOCATION: 2098 & 2124 Cedar Grove Road, Conley, GA 30288 and 3345 Bouldercrest Road, Ellenwood, GA

30294.

**PARCEL NO.:** 15-021-01-010, 15-021-01-015, 15-021-01-016

INFO. CONTACT: John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

### **PURPOSE:**

Application of KBD Development c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the construction of single-family attached townhomes in the Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of RSM District. The property is located on the southwest side of Bouldercrest Road and the northwest side of Cedar Grove Road at 3345 Bouldercrest Road, 2098 and 2124 Cedar Grove Road in Ellenwood, Georgia. The property has approximately 820 feet of frontage along Cedar Grove Road and 450 feet of frontage along Bouldercrest Road and contains 12.2 acres.

### **RECOMMENDATION:**

COMMUNITY COUNCIL: (Aug. 9, 2023) Two-cycle deferral. (Apr. 12, 2023) Deferral.

PLANNING COMMISSION: (Sept. 12, 2023) Pending. (May 2, 2023) Full Cycle Deferral.

PLANNING STAFF: Denial.

**STAFF ANALYSIS:** This request was deferred from the May 25th, 2023 Board of Commissioners (BOC) meeting. Based on the submitted information, the SLUP proposal to allow townhomes within Tier 3 of the Bouldercrest Overlay District with a density of 7.29 units per acre is generally consistent with the Suburban (SUB) and Neighborhood Center (NC) Character Areas calling for the protection of established residential areas at densities up to eight units per acre. There is also a companion request for a rezoning t an underlying zoning of RSM within Tier 3 of the Bouldercrest Overlay District to allow townhomes (see case Z 23 1246390). The proposed townhomes appear to be an appropriate transitional land use between the commercial zoning around the Bouldercrest Rd/Cedar Grove intersection and the single-family detached subdivision (Smithfield Grove) to the north. A stream, 20-foot undisturbed transitional buffer, and a 100-year floodplain separate the proposed townhome development from that single-family subdivision. Additionally, the plan prefers four pocket parks and two open courtyards with convenient pedestrian and vehicular connectivity throughout the project. Therefore, it appears that the request is compatible with surrounding uses and is consistent with the policies and strategies of the SUB Character Area to protect established single-family neighborhoods. There has been no indication from reviewing agencies and departments that the proposed development would be excessively burdensome on the existing infrastructure. The County Transportation Department has provided infrastructure requirements relating to right-of-way expansion, sidewalks, landscape strips and street lighting (see attached). While the proposed land

use, transitional buffers, pocket parks, and open space appears to be compatible with the surrounding area, the Conceptual Plan will need to be redesigned to comply with Section 3.39.6.C.9.a of the *Zoning Ordinance* which requires that all townhome developments must be accessed from the rear via a private alley or private drive. This rear access requirement would be in addition to providing street access within the entire project site which comply with public right-of-way standards. Additionally, the following information needs to be provided to demonstrate compliance with Tier 3 BOD requirements in order to confirm that the zoning proposal is compatible with adjacent and surrounding properties: 1. The proposed units on the plan need to indicate which are fee-simple, stand-alone lots (i.e. lot lines extending beyond the building envelope) and which ones will be in a condominium ownership arrangement so that zoning compliance can be confirmed. 2. The applicant needs to provide tabular data showing the square footage of the proposed guest parking areas and proposed driveways so that the Floor Area Ratio (FAR) of the project can be reviewed for compliance (Max FAR allowed is 1.0) 3. For units 27 – 29 verify compliance with the required 20- foot side yard setback No new information has been submitted since the May 25th, 2023 BOC meeting to address the aforementioned deficiencies. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be "Denied".

PLANNING COMMISSION VOTE: (September 12, 2023) Pending. (May 2, 2023) Full Cycle Deferral 6-1-0. Jan Costello moved, Deanna Murphy seconded for a Full Cycle Deferral to the July 2023 zoning agenda, per Staff recommendation. Tess Snipes opposed; Vivian Moore was not present for this vote.

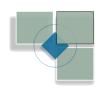
COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Aug. 9, 2023) Two-cycle deferral 6-0-0. (Apr. 12, 2023) Deferral 6-0-0. The Council recommended deferral to allow more time for the applicant and community to meet again to see if a revised plan and consensus could be reached. Many members of the surrounding community were concerned this application would set a precedent for townhomes up and down Bouldercrest Road and would create traffic impacts that existing transportation infrastructure could not handle.



### **DeKalb County Department of Planning & Sustainability**

### 178 Sams Street, Suite 3600 Decatur, GA 30030





Michael Thurmond Chief Executive Officer

Planning Commission Hearing Date: September 22, 2023
Board of Commissioners Hearing Date: September 28, 2023

### **STAFF ANALYSIS**

Case No.:	2023-0341		Agenda #: D4
Location/ Address:	The southwest side of Boulderc the northwest side of Cedar Gro 3345 Bouldercrest Road and 20 Cedar Grove Road in Ellenwood	ove Road at 98 and 2124	Commission District: 3 Super District: 6
Parcel ID:	15-021-01-010, 15-021-01-015,	15-021-01-016	
Request:	For a Special Land Use Permit (S attached townhomes in the Bou Historic District with an underly	uldercrest Overla	y District Tier 3 & Soapstone
Property Owner:	Bouldercrest Holdings, LLC		
Applicant/Agent:	KBD Development c/o Battle La	w P.C.	
Acreage:	12.2		
Existing Land Use: Surrounding Properties:	Vacant Land Commercial and Single-Family F	Residential	
Adjacent Zoning:	North: Bouldercrest Overlay Ti 100 East: MR-2 West: C-1 & HR-		<b>h:</b> Bouldercrest Overlay Tier 3/R
Comprehensive Plan:	SUB (Suburban) & NC (Neighborhood Center)	Consistent	Inconsistent _
Proposed Density: 8 du/ac Proposed Units/Square Ft.: townhomes		Existing Density Existing Units/S	y: NA Square Feet: Vacant

**Proposed Lot Coverage: NA** 

**Existing Lot Coverage: NA** 

#### STAFF RECOMMENDATION: DENIAL

This request was deferred from the May 25<sup>th</sup>, 2023 Board of Commissioners (BOC) meeting. Based on the submitted information, the SLUP proposal to allow townhomes within Tier 3 of the Bouldercrest Overlay District with a density of 7.29 units per acre is *generally* consistent with the Suburban (SUB) and Neighborhood Center (NC) Character Areas calling for the protection of established residential areas at densities up to eight units per acre. There is also a companion request for a rezoning t an underlying zoning of RSM within Tier 3 of the Bouldercrest Overlay District to allow townhomes (see case Z 23 1246390). The proposed townhomes appear to be an appropriate transitional land use between the commercial zoning around the Bouldercrest Rd/Cedar Grove intersection and the single-family detached subdivision (Smithfield Grove) to the north. A stream, 20-foot undisturbed transitional buffer, and a 100 year floodplain separate the proposed townhome development from that single-family subdivision. Additionally the plan profers four pocket parks and two open courtyards with convenient pedestrian and vehicular connectivity throughout the project. Therefore it appears that the request is compatible with surrounding uses and is consistent with the policies and strategies of the SUB Character Area to protect established single-family neighborhoods. There has been no indication from reviewing agencies and departments that the proposed development would be excessively burdensome on the existing infrastructure. The County Transportation Department has provided infrastructure requirements relating to right-of-way expansion, sidewalks, landscape strips and street lighting (see attached).

While the proposed land use, transitional buffers, pocket parks, and open space appears to be compatible with the surrounding area, the Conceptual Plan will need to be redesigned to comply with Section 3.39.6.C.9.a of the *Zoning Ordinance* which requires that all townhome developments must be accessed from the rear via a private alley or private drive. This rear access requirement would be in addition to providing street access within the entire project site which comply with public right-of-way standards. Additionally, the following information needs to be provided to demonstrate compliance with Tier 3 BOD requirements in order to confirm that the zoning proposal is compatible with adjacent and surrounding properties:

- 1. The proposed units on the plan need to indicate which are fee-simple, stand-alone lots (i.e. lot lines extending beyond the building envelope) and which ones will be in a condominium ownership arrangement so that zoning compliance can be confirmed.
- 2. The applicant needs to provide tabular data showing the square footage of the proposed guest parking areas and proposed driveways so that the Floor Area Ratio (FAR) of the project can be reviewed for compliance (Max FAR allowed is 1.0)
- 3. For units 27 29 verify compliance with the required 20- foot side yard setback

No new information has been submitted since the May 25<sup>th</sup>, 2023 BOC meeting to address the aforementioned deficiencies.

Therefore, it is the recommendation of the Planning & Sustainability Department that the application be "Denied".



### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO RACHEL BRAGG RLBRAGG @ DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

# COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.: Z-23-1246390	
Parcel I.D. #: 15-021-01-010, 15-021-01-015, 15-021-01-01	6
Address: 2098 & 2124 CEDAR GROVE ROAD CONLEY, GA	. 30288
3345 BOULDERCREST RD	
ELLENWOOD, GA 30294	
WATER:	
Size of existing water main: 6" & 8" DIP	(ade)(uate/inadequate)
Distance from property to nearest main:adacent	
Size of line required, if inadequate:	
SEWER:	
Outfall Servicing Project: Blue Creek	
Is sewer adjacent to property: Yes (x) No ( ) If no, dist	ance to nearest line:
Water Treatment Facility: Snapfinger	() adequate ( ) inadequate
Sewage Capacity; <u>36</u> (MGPD)	Current Flow: 28 (MGPD)
COMMENTS:	
Sewer capacity required.	

Signature: Yola Lewis

### DEKALB COUNTY

### Board of Health

### 4/14/2023

To: Mr. John Reid, Senior Planner

From: Ryan Cira, Environmental Health Manager

Cc: Alan Gaines, Environmental Health 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.

### DEKALB COUNTY

## Board of Health

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

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

#### N1 2023-0334

SLUP 23-1246378

16-183-02-003, 16-202-02-005

4449 Rockbridge Road, Stone Mountain, GA 30083

- Please review general comments.
- Note: There are several properties of septic in this area.

#### N2 2020-0335

Z-23-1246378

16-183-02-003, 16-202-02-005

8361 & 8637 Covington Highway, Lithonia, GA 30058

• Please review general comments.

#### N3 2023-0335

SLUP 23-1246382

18-053-02-036

1500 North Decatur Road, Atlanta, GA 30306

Please review general comments.

### N4 2023-0337

CZ 23-1246383

18-103-03-017, 18-103-03-018

1799 & 1805 Clairmont Road, Decatur, GA 30033

- Please review general comments.
- Our record indicates a septic system installed on surrounding property at 1788 Clairmont. No record in our office for 1799 or 1805 Clairmont Road. This property may have a septic system.

### Board of Health

#### N5 2023-0338

#### Z -23-1246384

15-053-03-001, 15-044-09-030

2001 River Road & 2938 Bouldercrest Road, Ellenwood, GA 30394

- Please review general comments.
- Note: Septic system indicated on surrounding areas.

#### N6 2023-0339

### SLUP 23-1246386

15-200-02-040 15-200-02-040

3507 Memorial Drive, Decatur, GA 30032

- Please review general comments.
- This establishment should contact Health Department Division of Environmental Health

#### N7 2023-0340

#### Z 23-1246390

15-021-01-010, 15-021-02-015, 15-021-01-016

2098 & 2124 Cedar Grove Road, Conley, GA 30288

- Please review general comments.
- Note: Septic system location on this property installed on 11/08/1985.

#### N8 2023-0341 SLUP 23-1246391

15-021-01-010, 15-021--01-015, 15-021-021-01-016

2098 & 2124 Cedar Grove Road, Conley, GA 30288

- Please review general comments.
- Note: Septic system location on this property installed on 11/08/1985.

#### N9 2023-0342

#### Z-23-1246379

15-201-01-010

1439 Conway Road, Decatur, GA 30030

Please review general comments



Development Services Center 178 Sams Street Decatur, GA 30030 www.dekalbcountyga.gov/planning 404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer
Michael Thurmond

### DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director Cedric Hudson

**Zoning Comments - April 2023** 

**N1. 4449 Rockbridge Road** - Rockbridge Road is classified as a major arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="https://hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Watch required driveway spacing in Code Section 14-200(6).

**N2. 8361 Covington Hwy/8367 Covington Hwy** - Stonecrest Overlay District Tier 1. Covington Hwy is classified as a major arterial. (This section is not a state route.) 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Only one access point allowed on Rockbridge Rd. Please provide sheet C-112 (as referenced) for the ROW improvements.

**N3. 1526 North Decatur Road** - Within the Druid Hills Historic District. North Decatur Road is a minor arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path (dependent on Historic District Review). No poles may remain within the limits of the path. Requires pedestrian scale streetlights of the historic district street lighting standard. (hefowler@dekalbcountyga.gov)

**N4. 1799/1805 Clairmont Road** - Clairmont Road is SR 155. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (<a href="mailto:mwilson@dot.ga.gov">mwilson@dot.ga.gov</a>) GDOT Right of way AND Signal upgrade permits required. Upgrade pedestrian signal head/crosswalks at the signalized intersection. Clairmont Road is classified as a major arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

**N5. 2001** River Road - Project within the Bouldercrest Overlay District Tier Corr 1. Bouldercrest Road is classified as a major arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) River Road is classified as a minor arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Old Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Old River Road is classified as a local residential road. 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 from back of curb with a 5-foot sidewalk. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)



**N6. 3507 Memorial Drive** - Memorial Drive a state route. DeKalb County standards apply unless more restrictive standards are required by GDOT. GDOT review and approval required prior to permitting. (<a href="mailto:mwilson@dot.ga.gov">mwilson@dot.ga.gov</a>. Memorial Drive is classified as a major arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="mailto:hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Connect sidewalks in front of outparcels, as right of way allows. Coordinate with the Transportation Division.

N7. & N8. 3345 Bouldercrest Rd/2098 Cedar Grove Road - Bouldercrest overlay Dist. Tier 3. Soapstone Hist District (2098). Bouldercrest Road is classified as a major arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="https://nefabor.org/nefabor.new-remain">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Cedar Grove Road is classified as a Minor Arterial. 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 5-foot landscape strip from back of curb with a 10-foot multiuse path. Street Lighting required. (<a href="hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.) Extend sidewalks to Clark Street, as right of way allows. Coordinate with the Transportation Division. Relocate guest parking away from Bouldercrest Road to reduce conflicts with entering/exiting space, driveway, and Bouldercrest Rd.

**N9. 1439 Conway Drive** - Conway Drive is classified as a local road. Extend road along property frontages. 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 from back of curb with a 5-foot sidewalk. Street Lighting required. (<a href="https://example.com/hefowler@dekalbcountyga.gov">hefowler@dekalbcountyga.gov</a>) No poles may remain within the limits of the path. (See Zoning Code 5.4.3 and Land Development Code 14-190 for infrastructure requirements.)

### DeKalb County School District Development Review Comments

**Submitted to:** DeKalb County **Case #**: Z-23-124390

Parcel #: 15-021-01-010/-015/-016

**Analysis Date:** 

4/13/2023

Name of Development: Bouldercrest Rd @ Cedar Grove Rd

**Location:** 2098 & 2124 Cedar Grove Road, 3345 Bouldercrest Rd

**Description:** Three single-family parcels proposed to be redeveloped into 94 attached units.

Impact of Development: When the units are fully constructed, this development would be expected to generate 37 students: 8

at Cedar Grove Elementary School, 12 at Cedar Grove Middle School, 11 at Cedar Grove High School, 6 at other DCSD schools, and 0 at private school. All three neighborhood schools have

capacity for additional students.

### **Cedar Grove Cedar Grove**

			-			
	Elementary	Middle	Cedar Grove	Other DCSD	Private	
<b>Current Condition of Schools</b>	School	School	High School	Schools	Schools	Total
Capacity	672	1,290	1,271			
Portables	0	0	0			
Enrollment (Oct. 2022)	553	780	1,126			
Seats Available	119	510	145			
Utilization (%)	82.3%	60.5%	88.6%			
New students from development	8	12	11	6	0	37
New Enrollment	561	792	1,137			
New Seats Available	111	498	134			
New Utilization	83.5%	61.4%	89.5%			

		Attend	Attend other		
	ļ	Home	DCSD	Private	
Yield Rates	9	School	School	School	Total
Elementary	(	0.0868	0.0385	0.0014	0.1267
Middle	(	0.1309	0.0114	0.0028	0.1451
High	(	0.1124	0.0100	0.0014	0.1238
Total	(	0.3301	0.0598	0.0057	0.3956
Student Calculations					
Proposed Units	94				
Unit Type	TH				
Cluster	Cedar Grove High	School			
_		Attend	Attend other		
	I	Home	DCSD	Private	
Units x Yield	S	School	School	School	Total
Elementary		8.16	3.62	0.13	11.91
Middle		12.30	1.07	0.27	13.64
High		10.57	0.94	0.13	11.64
Total		31.03	5.63	0.53	37.19
		Attend	Attend other		
	l	Home	DCSD	Private	
Anticipated Stude	nts S	School	School	School	Total
Cedar Grove Elementary	/ School	8	4	0	12
Cedar Grove Middle S	School	12	1	0	13
0 - 1 - 0 1 1 - 1 0		4.4	4	0	12
Cedar Grove High So	chool	11	1	U	12





### DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

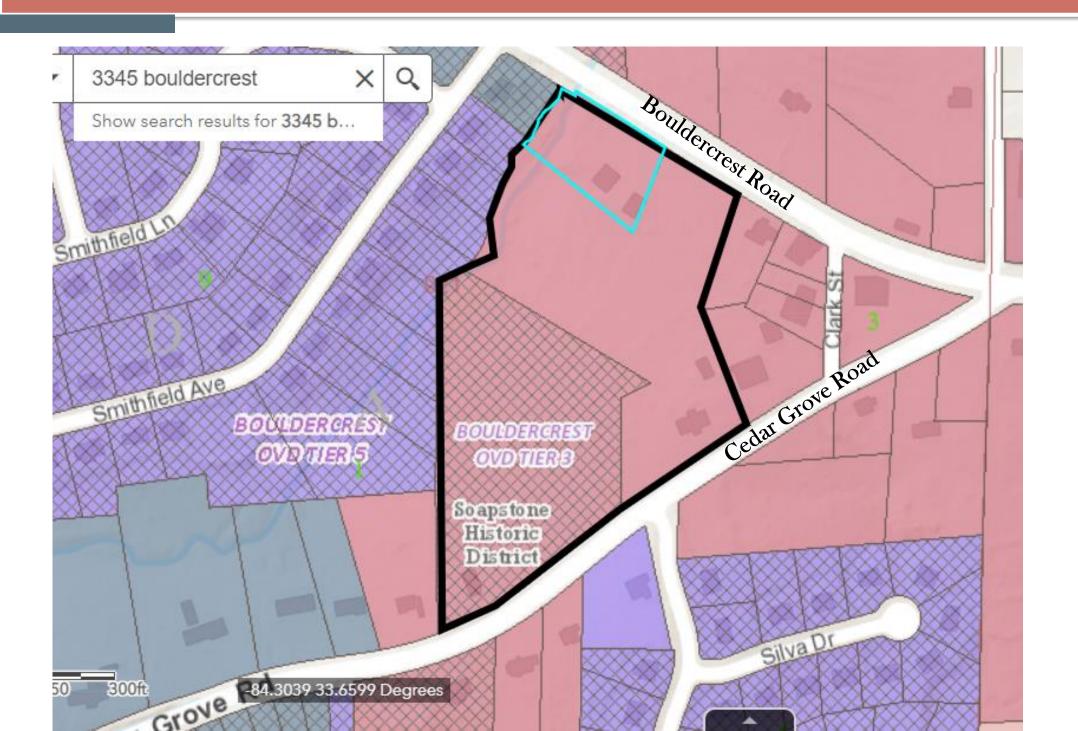


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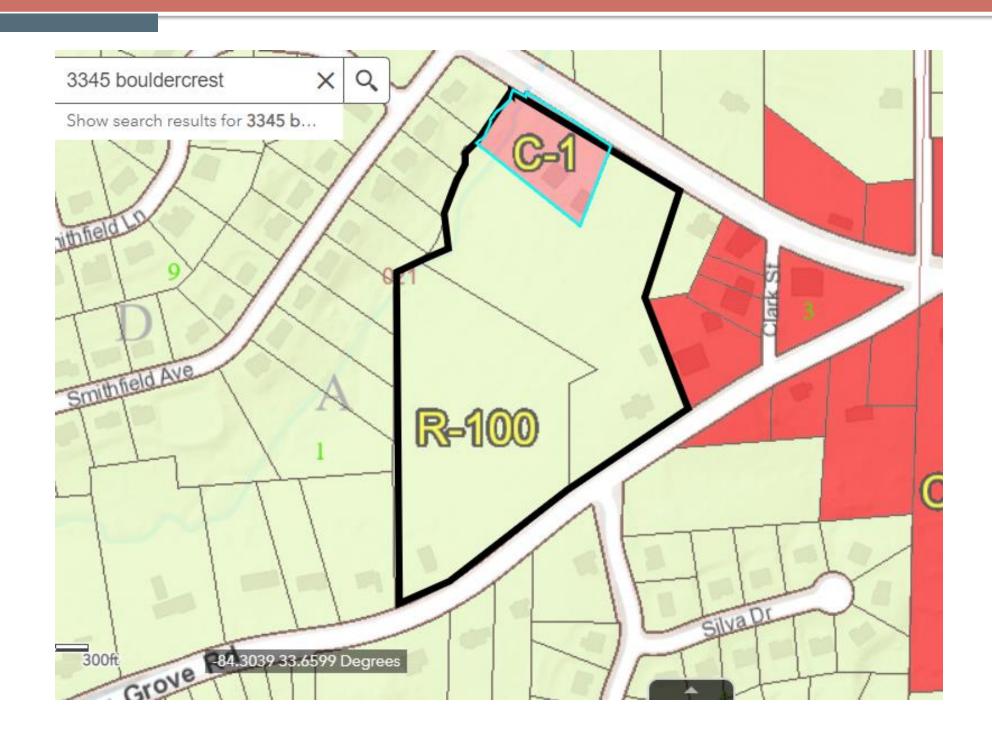
**COMMENTS FORM:** *PUBLIC WORKS TRAFFIC ENG* Adjacent Roadway (s): (classification) (classification) Capacity (TPD)\_ Capacity (TPD)\_ Latest Count (TPD) Latest Count (TPD) Hourly Capacity (VPH) Hourly Capacity (VPH) Peak Hour. Volume (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing 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:** CONCERNS

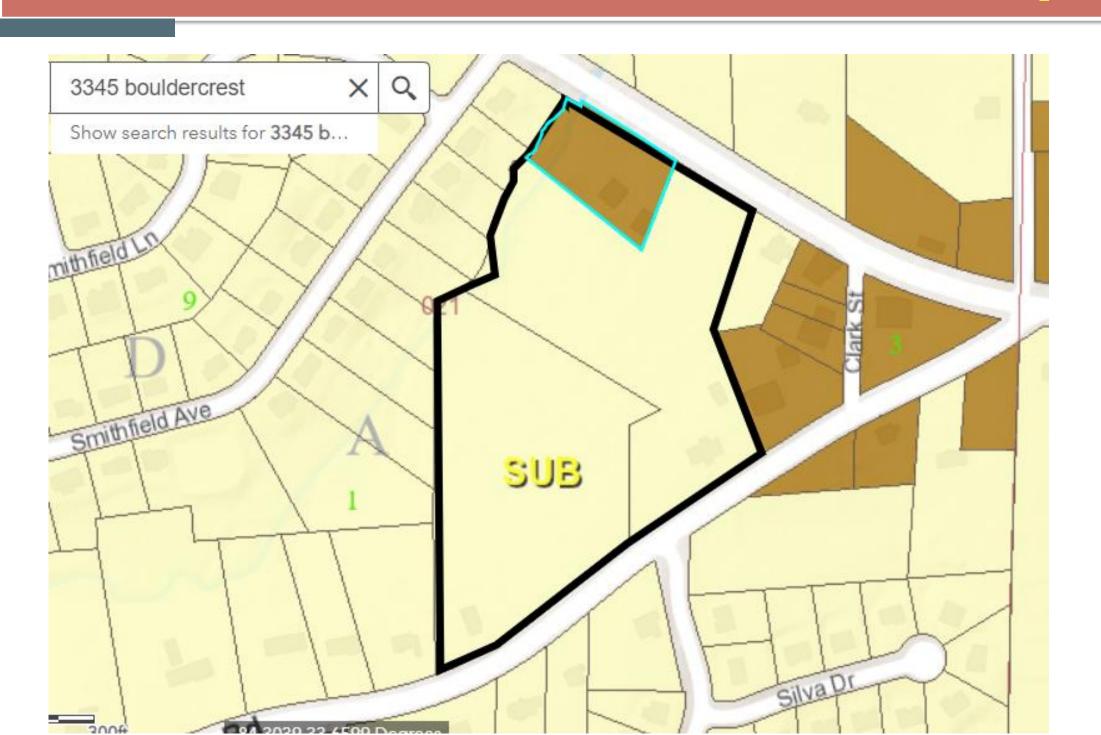
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### **ZONING MAP**

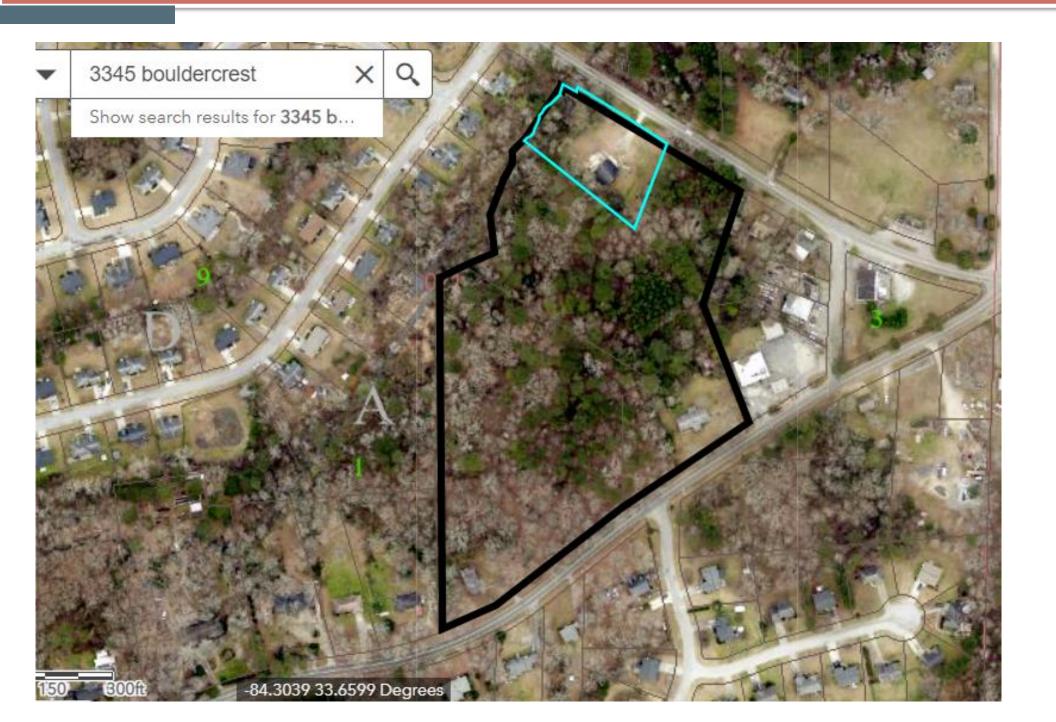


### **ZONING MAP**





# **Aerial**



# Site Plan





Chief Executive Officer

### DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT CHECKLIST

Director

Michael Thurmond Andrew A. Baker, AICP

(SUBMIT 4 COMPLETE, COLLATED, HARDCOPY SETS AND 1 SET IN PDF FORMAT ON FLASH DRIVE OR CD)

### 1. Mandatory Pre-Application Conference with Planning & Sustainability staff. Pre-Application form to be completed in pre-application meeting. Please call (404) 371-2155 to schedule pre-app conference. 2. Hold a Pre-Submittal Community Meeting with surrounding neighborhood associations and residents. Notify staff in advance of date, time, and location of meeting. Provide documentation (i.e., meeting notice, sign-in sheets, letter(s) from homeowners associations). 3. **Application Form.** Form must be completely filled out and be the first page of the packet. 4. Notarized **Authorization Form**, if the applicant is not the owner of the subject property, which a. is signed and notarized by all owners of the subject property; b. contains the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property; and c. includes a warranty deed, if ownership is less than 2 consecutive years. 5. Written Legal Description of subject property, in metes and bounds. 6. Boundary Survey (showing existing buildings, structures, and improvements), prepared and sealed within the past ten years by a professional engineer or land surveyor registered in the State of Georgia, consistent with the plat(s) on the Official Tax Record. Applicant shall certify that the Boundary Survey is complete and currently accurate. Site plans shall be drawn to scale showing all proposed development or redevelopment projects, proposed buildings, structures, and improvements. Site plans must include the following: a. Complete boundaries of subject property including curb cuts, internal vehicular circulation facilities, and

1. Full-size site plans (at least 11" x 17"): 4 copies, folded.

e. Landscaping, trees, open space, and undisturbed buffers;

coverage, required and proposed parking, and open space calculations;

2. Site plan reduced to 8 1/2" x 11": 4 copies

g. Copies of site plans:

7. **Building Elevations**, renderings or details of materials proposed for compliance to Article 5, Ordinance
8. **Letter of Application** identifying the proposed zoning classification, the reason for the rezoning request, the existing and proposed use of the property, and detailed characteristics of the proposed use (e.g., floor area, height of building, number of units, mix of unit types, hours of operation, etc. Include any statement of conditions agreed upon by the applicant.

f. Notation of building square footages and heights, residential density calculations, existing and proposed lot

- 9. Written documented, detailed analysis of the impact of the proposed zoning map amendment with respect to each of the standards and factors specified in Article 7.
  - \_\_\_\_\_ 10. Campaign disclosure statement, if applicable, to be filed in compliance with State law.

b. Location of buildings, structures, setback lines, buffer lines, and parking;
c. Location of any 100-year floodplains, streams, and stream buffer lines;
d. Notation of the total acreage or square footage of the subject property;

\_\_\_\_ 11. Application fee - \$400.00. Payable to DeKalb County.

#### INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

If subject property is made up of parcels located on opposite sides of a public street, a separate application is required for each parcel.

Chief Executive Officer
Michael Thurmond

### **DEPARTMENT OF PLANNING & SUSTAINABILITY**

Director

Andrew A. Baker, AICP

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

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

Applicant Name: _Chad Lambeth Phone: _ 770-451-2741 Email: _clambeth@pec.plus
Property Address: _3345 Bouldercrest Rd, 2098 Cedar Grove Rd, 2124 Cedar Grove Rd
Tax Parcel ID: 15 021 01 010; 15 021 01 015; 15 021 01 016 Comm. District(s): _3 & 6 Acreage 12.2 acres
Existing Use: _Single-Family structures Proposed UseTownhomes
Supplemental Regs: Overlay District: _NA DRI:NA
<b>Rezoning</b> : Yes _X No
Existing Zoning: _Bouldercrst Overlay District (BOD) Tier 3/R-100 & C-1 Proposed Zoning:RSM?Square Footage/Number of Units:
Rezoning Request:
Land Use Plan Amendment: Yes No _X
Existing Land Use:SUB Proposed Land Use:na Consistent Inconsistent
Special Land Use Permit: Yes_ X No Article Number(s) 27-
Special Land Use Request(s) to allow single-family attached townhomes in the BOD Tier 3 district
Major Modification:
Existing Case Number(s):NA
Condition(s) to be modified:



	TO KNOW BEFORE YOU FILE YOUR APPLICATION
Pre-submittal Commun	ity Meeting:X Review Calendar Dates:X PC: _ <mark>**</mark> BOC:
_ <mark>**_</mark> Letter of I	ntent:XImpact Analysis: _X Owner Authorization(s):X Campaign
Disclosure:XZo	ning Conditions: _na Community Council Meeting: <mark>**</mark> Public
Notice, Signs:X	Tree Survey, Conservation: Land Disturbance Permit (LDP):
X Sketch Plat	t:X Bldg. Permits:X Fire Inspection:X Business
License:X St	tate License: Lighting Plan: Tent Permit: Submittal
Format: NO STAPLES	S, NO BINDERS PLEASE
-	nunity meeting with 15 days notice to be considered for May 2023 cycle is Marc re than 20 cases on May 2023 agenda cycle then case would be heard in July 202
•	
2023. If there are mor	re than 20 cases on May 2023 agenda cycle then case would be heard in July 202  Review of Site Plan
2023. If there are mon	re than 20 cases on May 2023 agenda cycle then case would be heard in July 202  Review of Site Plan  Density Bonuses:X Mix of Uses: Open Space:X
Density:X DEnhanced Open Space:	re than 20 cases on May 2023 agenda cycle then case would be heard in July 202  Review of Site Plan
Density:X	Review of Site Plan  Density Bonuses:X Mix of Uses: Open Space:XX Setbacks: frontX sidesX side corner rear
Density:XD Enhanced Open Space: Lot Size: _X From Buffers:X Par	Review of Site Plan  Density Bonuses:X Mix of Uses: Open Space:X X Setbacks: frontX sidesX_ side corner rear  Dentage:X Street Widths:X_ Landscape Strips:X
Density:XD Enhanced Open Space: Lot Size: _X Fro Buffers:X ParX Screening:	Review of Site Plan  Density Bonuses:X Mix of Uses: Open Space:X X Setbacks: frontX sidesX_ side corner rear  Dentage: X Street Widths: X Landscape Strips:X  king Lot Landscaping:X Parking - Auto:X Parking - Bicycle:
Density:XD Enhanced Open Space: Lot Size: _X Fro Buffers:X ParX Screening: Bldg. Height:X I	Review of Site Plan  Density Bonuses:X Mix of Uses: Open Space:X X Setbacks: frontX sidesX side corner rear  Density Bonuses:X Parking - Auto:X Parking - Bicycle:X Streetscapes:X Sidewalks:X Fencing/Walls:
Density:XD Enhanced Open Space: Lot Size: _X Fro Buffers:X ParX Screening: Bldg. Height:X I	Review of Site Plan  Density Bonuses:X Mix of Uses: Open Space:X X Setbacks: frontX sidesX side corner rear  Dentage:X Street Widths:X Landscape Strips:X  king Lot Landscaping:X Parking - Auto:X Parking - Bicycle:  X Streetscapes:X Sidewalks:X_ Fencing/Walls:  Bldg. Orientation: _X Bldg. Separation: Bldg. Materials: _X Roofs:  X Façade Design:X_ Garages:X_ Pedestrian Plan:X



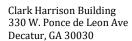
Comments: \_\_\_. The proposed single-family attached townhomes will require a Special Land Use Permit (SLUP) since properties fall within Tier 3 of the BOD and abuts residential zoning/Tier 5 of BOD. Because 3345 Bouldercrest is tied to a specific commercial land use via zoning conditions (lawn sales and repair per CZ 86187), a rezoning to RSM for all the properties in the application (if RSM is chosen as the desired zoning district) is also required in addition to the SLUP. The maximum base density will depend on the underlying zoning district chosen (for example, if RSM is chosen maximum base density is 4 units per acre). Anything above the base density of the underlying zoning district will require density bonuses as illustrated in Article 2 of the Zoning Ordinance. The maximum density allowed in Suburban character area is 8 units per acre with provision of density bonuses.

Applicant will need to show compliance with zoning ordinance and bouldercrest overlay district requirements including but not limited to building material requirements, maximum building height and transitional height plane requirements of zoning ordinance, parking, parking lot landscaping, street trees and sidewalks and landscape strip along Cedar Grove Rd and Bouldercrest Rd, and a transitional buffer where site abuts R-100 residential zoning. While not a zoning issue, there appears to be a stream on the northwest side of the property which could impact buildability due to required stream buffers and floodplain areas. Other requirements per Article 5 and Article 2 of the Zoning Ordinance. It appears that a portion of the properties fall within the Soapstone Historic District which has additional requirements. Please contact Historic Planner for more information.

Applicant will need to provide justification as to how the proposed RSM zoning district (if chosen) is compatible with the surrounding area.

This only a preliminary review and is not a complete li	st of zoning requirements, a final and complete				
review will be done upon official submission of a SLUP & Rezone application and concept plan					
Planner:_John Reid	Date_01/31/23				

Filing Fees





OI, OD, OIT, NS, C1, C2, M, M2 \$750.00

LAND USE MAP AMENDMENT \$500.00

SPECIAL LAND USE PERMIT \$400.00



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

### **Zoom Instructions:**

Go to <a href="https://otago.zoom.us/join">https://otago.zoom.us/join</a> 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: jnb@battlelawpc.com COMMUNITY MEETING TO DISCUSS SPECIAL LAND USE APPLICATION TO ALLOW FOR THE DEVELOPMENT OF FEE SIMPLE SINGLE FAMILY ATTACHED TOWNHOMES

Project Title: 2098 Cedar Grove Road

When: March 1st, 2023

Time: 6:00 PM Eastern (US and Canada)

Register in advance for this meeting:

https://otago.zoom.us/join

Meeting ID: 822 5867 1251

Password: 313760

PROPOSED LOCATION(S): 2098 & 2124 CEDAR GROVE ROAD AND 3345 BOULDER-CREST ROAD FREDRIKSEN STEVE J JR 9300 SE 157TH PL BOULDERCREST HOLDINGS LLC P O BOX 20465

JORDON TWILLA J 2004 CEDAR GROVE RD CEDAR GROVE INVESTMENT HOLDING LLC 1833 LAWRENCEVILLE HWY **TATUM YVONNE** 3306 BOULDERCREST RD SHAW MARY ANN 303 TRAIL SPRINGS CT FORTE SHANNON M 4165 OLD HOUSE DR **BOLDEN CAMILLE KUULEI** 4185 OLD HOUSE DR JOY JUANITA T EST PERS REP AND HEIRS 325 CHESTNUT RD CARTER LINDA JOYCE 4150 OLD HOUSE DR JONES SHUPIER 2144 SILVA DR

RNTR 2 LLC 3495 PIEDMONT RD NE BLDG/STE 11/300 PFIN II F LLC 6300 POWERS FERRY RD STE 600 142

SMITH CHERRY L

BOOKMAN KEVIN PAUL

REAMS VERLINDA N

ROBINSON SAMUEL

MITCHELL TIFFANY C

GREEN SUSIE M

DENT ELLIE GLENN

2136 SILVA WAY

4050 SMITHFIELD TRL

4066 SMITHFIELD TRL

1991 SMITHFIELD AVE

5672 REYNARD TRL

3993 SMITHFIELD LN

3435 BOULDERCREST RD

JOHNSON DARRYL PO BOX 144

DOMAIN INVESTMENTS LLC 950 EAGLES LANDING PKWY STE 487

AKG FUTURE INVESTMENT INC 562 CASCADE DR DRB GROUP GEORGIA LLC 160 WHITNEY ST

BURRELL EARL GORDON 2107 CEDAR GROVE RD

DOWORG NETWORKS LLC

WEST ADRIANE

FLOWERS RICKEY

CARSON MARTY D

WILLIAMS NAAMA ROZIANE

3046 MILLER RD

2150 SILVA DR

4184 OLD HOUSE DR

2134 SILVA CT

WILLIAMS NAAMA ROZIANE

2133 SILVA CT

NEXPOINT SFR SPE 3 LLC 8615 CLIFF CAMERON DR STE 200

**GIDDENS DAMIYON** 4058 SMITHFIELD TRL **THOMAS LARRY** 4048 SMITHFIELD LN **GILL STEPHEN B** 4077 SMITHFIELD LN **HOLNESS HA WON SHIN** 1983 SMITHFIELD AVE 4069 SMITHFIELD LN FLETCHER JOHN W LOPEZ LIDIA ILLESCAS 4054 CEDAR GROVE PL HARRIS ROBERT 3451 BOULDERCREST RD WRIGHT ALEXIS 2036 CEDAR GROVE RD LEE NAN-HSIUNG 2020 CEDAR GROVE RD **HOLLAND BOBBY D** 1992 SMITHFIELD AVE **ERVIN MICHAEL LANCE** 1966 SMITHFIELD AVE LYONS ILINA 2085 CEDAR GROVE RD **ROBBINS JAMES** 2097 CEDAR GROVE RD WATTERS LINZY 4195 OLD HOUSE DR

SAFARI ONE ASSET COMPANY LLC 5001 PLAZA ON THE LAKE STE 200

**4221 OLD HOUSE DR** 

INGS JEROME F

SMITH SAMUEL D 2132 SILVA DR ELLIS THOMAS JR 2152 SILVA CT SMITH TREASA L 2151 SILVA CT

JACKSON DONNIE T 4000 SMITHFIELD LN
TYNER MARLON D 4083 SMITHFIELD TRL
HENDRIX GRADY L 4064 SMITHFIELD LN

MILE HIGH BORROWER 1 VALUE LLC PO BOX 4090

CARTER REBECCA 1959 SMITHFIELD AVE
TRUSTEES OF CEDAR GROVE UNITED 3430 BOULDERCREST RD
NICHOLSON DERRICK T 4060 CEDAR GROVE PL

THOMAS EDWARD L P.O. BOX 963
BOULDERCREST HOLDINGS LLC P O BOX 20465

CARHUAMACA MARIO HINOSTROZA 2008 SMITHFIELD AVE TATUM YVONNE 3306 BOULDERCREST RD

GEORGIA CUMBERLAND ASSOCITION OF P.O. BOX 12000
FREEMAN ERIK 4175 OLD HOUSE DR
SIMMONS ELLIS 4698 TARA WOODS WAY

TIGER REVOCABLE TRUST 2137 SILVA DR
BEMBRY LINDA V 2124 SILVA CT
SHACK DARRELL 2147 SILVA CT

**HOLLAND MARK** 4042 SMITHFIELD TRL **GROSS DAVETA** 4056 SMITHFIELD LN RESICAP GEORGIA OWNER II LLC 3630 PEACHTREE RD NE ANDREWS ANGELA A 4001 SMITHFIELD LN JEWELL CLARA J 4047 SMITHFIELD LN TRUSTEES OF CEDAR GROVE UNITED 3420 BOULDERCREST RD JACKSON TERRY A 4018 CEDAR GROVE PL RS RENTAL II LLC 31 HUDSON YARDS PARKS ROBYN 1982 SMITHFIELD AVE SINCLAIR DAVID A JR 1974 SMITHFIELD AVE AKG FUTURE INVESTMENT INC 562 CASCADE DR

BLACK JAMES H

DRB GROUP GEORGIA LLC

TURNER DONNA U

HAMILTON BRITTNEY N

FISHER FELICIA

BAILEY MAURICE

2099 GAITHER RD STE 600

4205 OLD HOUSE DR

4215 OLD HOUSE DR

4160 OLD HOUSE DR

2138 SILVA DR

BAF 3 LLC 5001 PLAZA ON THE LK STE 200

2140 SILVA CT

LOVE STACEY M 4075 SMITHFIELD TRL
A TO Z MANAGEMENT LLC P O BOX 370189

JORDAN SHANNA D 1967 SMITHFIELD AVE
HANDS OF FAITH DELIVERANCE CENTER 8512 N POND DR

TRUSTEES OF CEDAR GROVE UNITED

SMITH JEANINE S

CARPENTER ERIC W

3430 BOULDERCREST RD

3431 BOULDERCREST RD

4034 CEDAR GROVE PL

PROGRESS RESIDENTIAL BORROWER 18 LLC POBOX 4090

**DANIELS APRIL** 

FRAZIER BELINDA 2000 SMITHFIELD AVE

OLYMPUS BORROWER 1 LLC P O BOX 4090
AKG FUTURE INVESTMENT INC 562 CASCADE DR
CJ SCHMIDT HOLDINGS LLC 2639 BRICKELL SQ

DRB GROUP GEORGIA LLC 2099 GAITHER RD STE 600

DRB GROUP GEORGIA LLC

CURRIE ANTHONY W

2110 SILVA CT

MERCHARLES CARLO

TRUE NORTH PROPERTY OWNER B LLC

PO BOX 4090

SILVA COURT LLC 100 GLENDALOUGH CT D2
FIFE JOHN ERIC 4044 SMITHFIELD LN
PORTRESS ANTHONY 4052 SMITHFIELD LN

WILSON JEFFREY 1445 WOODMONT LN # 4403

SMITHFIELD LLC 200 MISTLETOE RD
SENIOR LEORA M 2171 BARBARA LN
BOULDERCREST HOLDINGS LLC P O BOX 20465

REINIER GOMEZ

USHER DWIGHT ANTOINE

TAH 2017 1 BORROWER LLC

WARKA INVESTMENTS LLC

3375 BOULDERCREST RD

2058 SMITHFIELD AVE

1508 BROOKHOLLOW DR

3619 WALNUT CREEK WAY

AKG FUTURE INVESTMENT INC 562 CASCADE DR **BUILDERS PROFESSIONAL GROUP LLC** 160 WHITNEY ST MULLEN JIMMIE J **PO BOX 563** FERGUSON ERICA S 2131 SILVA DR **BELL WILLIE FRANK JR** 2117 SILVA DR **BOOKER MARILYN V** 2121 SILVA CT COX MEOCHE 2128 SILVA WAY 4088 SMITHFIELD TRL **NOLTON LAYONDRA EVONNE HUTCHERSON CAROL E** 4036 SMITHFIELD LN **BRUNSON JACKSON SHELIA** 2023 SMITHFIELD AVE WHITE CEOLA R 2007 SMITHFIELD AVE

KING KEONKA M

JOHNSON DONNA

BANKS DEXTER B 4035 SMITHFIELD LN
ROYAL GRAHAM 4008 CEDAR GROVE PL
RUCKER RICKY 2170 BARBARA LN
OMODELE AYODELE A 4203 CLARK ST
FREDRIKSEN STEPHEN J JR 9300 SE 157TH PL
MEADOWS DAVID 2048 SMITHFIELD AVE
MIMS CELESTE RENEE 2032 SMITHFIELD AVE

4009 SMITHFIELD LN

**4025 SMITHFIELD LN** 

AXOM ENTERPRISES LLC
PO BOX 433
THOMAS EDWARD L
P.O. BOX 963
NALL EZELL
2125 SILVA DR
HARRIS BROWN CYDRENA YVONNE
HARKNESS TRACY
2109 SILVA CT
CUNEGIN DONALD
2116 SILVA WAY

BESEBEDA LLC 950 EAGLES LANDING PKWY # 487

OWENS ELENTEE
TAH MS 2 BORROWER LLC
CERRIO DONNA
THOMAS KERON O
WILLIAMS GLORIA
FKH SFR PROPCO B HLD LP

4028 SMITHFIELD LN 1508 BROOKHOLLOW DR 2015 SMITHFIELD AVE 4017 SMITHFIELD LN 4029 SMITHFIELD LN 1850 PARKWAY PL STE 900 SUMMERFIELD FL 34491

ATLANTA GA 30325

CONLEY GA 30288

**DECATUR GA 30033** 

**ELLENWOOD GA 30294** 

MCDONOUGH GA 30253

CONLEY GA 30288

CONLEY GA 30288

**COVINGTON GA 30016** 

CONLEY GA 30288

CONLEY GA 30288

ATLANTA GA 30305

ATLANTA GA 30339

CONLEY GA 30288

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

**LITHONIA GA 30038** 

**ELLENWOOD GA 30294** 

CONLEY GA 30288

CONLEY GA 30288

STOCKBRIDGE GA 30281

LILBURN GA 30047

**FAYETTEVILLE GA 30214** 

ATLANTA GA 30310

**LITHONIA GA 30038** 

CONLEY GA 30288

CONLEY GA 30288

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CONLEY GA 30288

**CHARLOTTE NC 28269** 

**ELLENWOOD GA 30294** 

CONLEY GA 30288

CONLEY GA 30280

CONLEY GA 30288

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

**CONLEY GA 30288** 

**CONLEY GA 30288** 

CONLEY GA 30288

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**AUSTIN TX 78746** 

**CONLEY GA 30288** 

**CONLEY GA 30288** 

CONLEY GA 30288

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

SCOTTSDALE AZ 85261

**ELLENWOOD GA 30294** 

CONLEY GA 30288

**ELLENWOOD GA 30294** 

**REX GA 30273** 

ATLANTA GA 30325

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

**CALHOUN GA 30703** 

CONLEY GA 30288

**ELLENWOOD GA 30294** 

CONLEY GA 30288

CONLEY GA 30288

CONLEY GA 30288

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

ATLANTA GA 30326

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

CONLEY GA 30288

**ELLENWOOD GA 30294** 

NEW YORK NY 10001

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

LILBURN GA 30047

**CONLEY GA 30288** 

**ROCKVILLE MD 20850** 

CONLEY GA 30288

CONLEY GA 30288

**CONLEY GA 30288** 

CONLEY GA 30288

CONLEY GA 30288

**AUSTIN TX 78746** 

**ELLENWOOD GA 30294** 

**DECATUR GA 30037** 

**ELLENWOOD GA 30294** 

**RIVERDALE GA 30274** 

CONLEY GA 30288

CONLEY GA 30288

**ELLENWOOD GA 30294** 

SCOTTSDALE AZ 85261

**ELLENWOOD GA 30294** 

SCOTTSDALE AZ 85261

LILBURN GA 30047

ATLANTA GA 30341

**ROCKVILLE MD 20850** 

**FAYETTEVILLE GA 30214** 

CONLEY GA 30288

CONLEY GA 30288

SCOTTSDALE AZ 85261

**TYRONE GA 30290** 

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

ATLANTA GA 30318

LOS GATOS CA 95032

**ELLENWOOD GA 30294** 

ATLANTA GA 30325

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

SANTA ANA CA 92705

**LITHONIA GA 30038** 

LILBURN GA 30047

**FAYETTEVILLE GA 30214** 

STOCKBRIDGE GA 30281

CONLEY GA 30288

CONLEY GA 30288

**CUMMING GA 30028** 

CONLEY GA 30288

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

ELLENWOOD GA 30294

ELLENWOOD GA 30294

**ELLENWOOD GA 30294** 

ELLENWOOD GA 30294

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

CONLEY GA 30288

SUMMERFIELD FL 34491

**ELLENWOOD GA 30294** 

**ELLENWOOD GA 30294** 

LITHONIA GA 30058

**REX GA 30273** 

CONLEY GA 30288

**CONLEY GA 30288** 

CONLEY GA 30288

CONLEY GA 30288

STOCKBRIDGE GA 30281

ELLENWOOD GA 30294 SANTA ANA CA 92705 ELLENWOOD GA 30294 ELLENWOOD GA 30294 ELLENWOOD GA 30294 MARIETTA GA 30067



### SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: Application No.: _	
APPLICANT NAME: KBD Development c/o Battle Law	
Daytime Phone #: <u>404-601-7616 ex.8</u> Fax #	±: _N/A
Mailing Address: 3562 Habersham at Northlake , Building J, S	Suite 100 Tucker,GA 30084
E-mail:	mlb@battlelawpc.com
OWNER NAME: Bouldercrest Holdings LLC more than one owner, attach contact information for each own	er) (If
Daytime Phone #:F	ax #:
Mailing Address: P.O Box 20465 Atlanta, GA 30325	
E-mail: _	
SUBJECT PROPERTY ADDRESS OR LOCATION: * Pleas	e See Attached
, DeKa	ilb County, GA,
District(s): Land Lot(s): Block(s)	: Parcel(s):
Acreage or Square Feet: Commission District(s): _	Existing Zoning:
Proposed Special Land Use (SLUP): To allow for single-fam	ily attached town homes
I hereby authorize the staff of the Planning and Development I subject of this application.	
Owner: X Agent: Signature of Applicant: Check One)	CKI, manager
Printed Name of Applicant: KBD Development	
Notary Signature and Seal:	
Such It	LEAH LOVING  NOTARY PUBLIC  Douglas County  State of Georgia  My Comm. Expires Aug. 15, 2026

### **Subject Properties:**

3345 Bouldercrest Road, Dekalb County GA, 30294

Acreage- 1.15 acres

Parcel #-15 021 01 010

Land Lot- 21

Block-1

Parcel- 10

Commission District- 3

Current Zoning- C-1

2098 Cedar Grove Road Conley, GA 30288

Acreage-5.57 acres

Parcel #- 15 021 01 016

Land Lot-21

Block-1

**Commission District-3** 

Current Zoning- R-100

2124 Cedar Grove Road Conley, GA 30288

Acreage-5.50 acres

Parcel #-15 021 01 015

Land Lot-21

Block -1

**Commission District-3** 

Current Rezoning- R-100



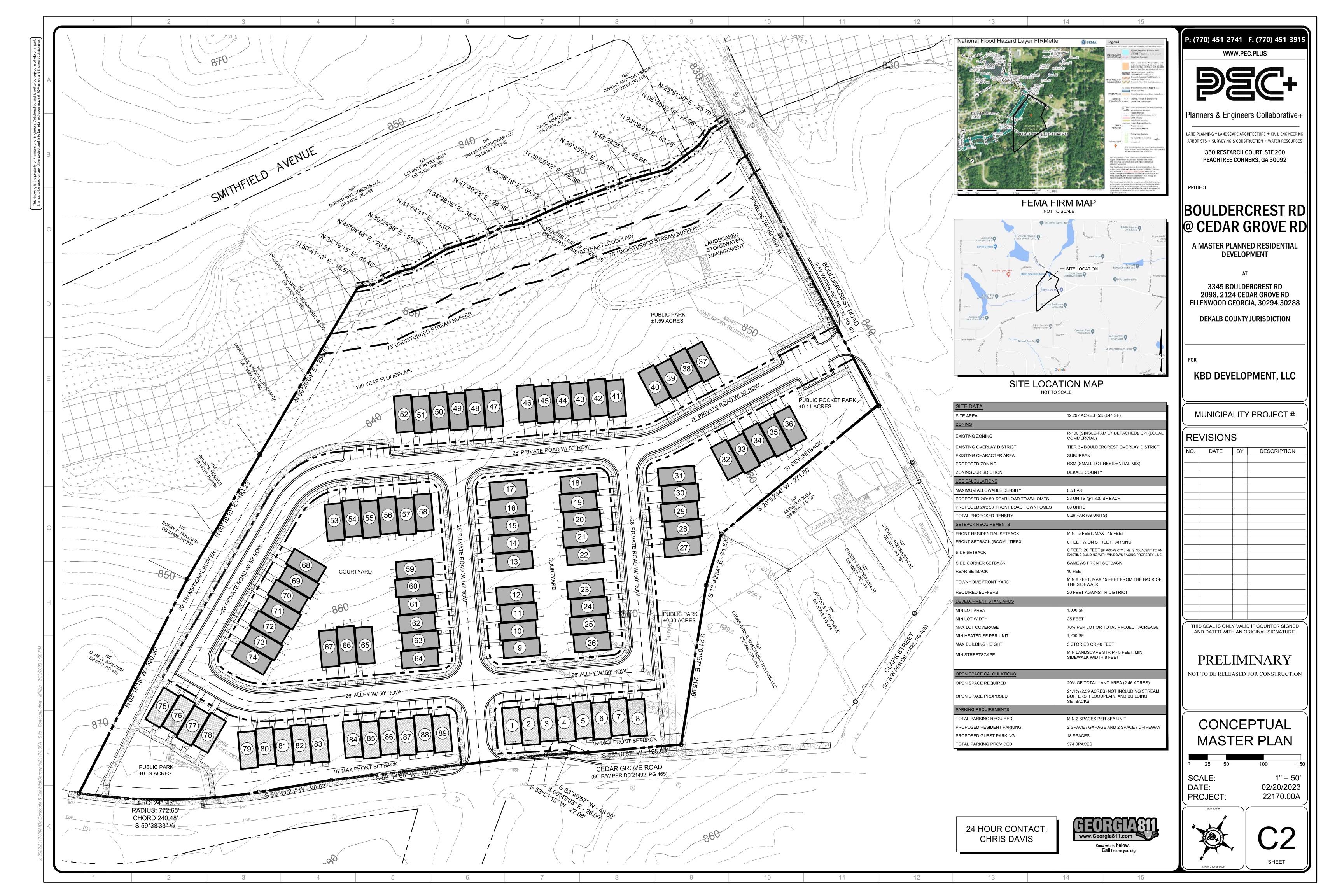
DeKalbCountyGa.gov

### DEPARTMENT OF PLANNING & SUSTAINABILITY

### SPECIAL LAND USE PERMIT APPLICATION AUTHORIZATION

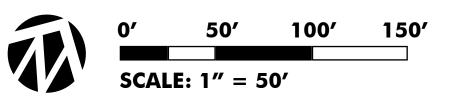
The property owner should complete this form or a similar, signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 03/08/2023		
TO WHOM IT MAY CONCERN:		
	st Holdings LLC ame of Owner(s)	
being (owner) (owners) of the subject property de Battle La	escribed below or attached hereby de aw P.C. of Applicant or Agent	elegate authority to
Name	of Applicant of Agent	B
to file an application on (my) (our) behalf.  Notary Public	Owner Manager	LEAH LOVING NOTARY PUBLIC Douglas County State of Georgia My Comm. Expires Aug. 15, 2026
Notary Public	Owner	<del></del>
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?

			1		
Yes	No	1	*		

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

Notary

LEAH LOVING NOTARY PUBLIC Douglas County State of Georgia

My Comm. Expires Aug. 15, 2026

Expiration Date/ Seal

Signature of Applicant /Date

Check one: Owner Agent

<sup>\*</sup>Notary seal not needed if answer is "no".



### **STATEMENT OF INTENT**

and

Other Material Required by
DeKalb County Zoning Ordinance
For
A Rezoning from R-100 and C-1 to RSM and a Special Land Use Permit
To Allow Townhomes

of

# KBD DEVELOPMENT c/o Battle Law, P.C.

for

### +/-12.22 Acres of Land

Being 3345 Bouldercrest Road, and 2098, 2124 Cedar Grove Road DeKalb County, Georgia and Parcel Nos. 15 021 01 016, 15 021 01 015, 15 021 01 010

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



### I. LETTER OF INTENT

KBD Development (the "Applicant") is seeking to develop on +/- 12.22 acres of land being Tax Parcel No. 15 021 01 016, 15 021 01 015, 15 021 01 010 having frontage on 3345 Bouldercrest Road, and 2098, 2124 Cedar Grove Road (the "Subject Property") with 94 single family attached townhomes on private right of way. The Applicant is seeking a Rezoning from R-100 and C-1 to RSM and a Special Land Use Permit of the Subject Property.

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. REZONING CRITERIA

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The future land use map shows that the Subject Property has Suburban and Neighborhood Commercial future land use designations. Both future land use designations permit the RSM zoning district, which in turn permits the single family attached townhomes. Therefore, the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

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

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties. The Subject Property is near the corner of Bouldercrest Road and Cedar Grove Road where a significant commercial node exists. The zoning proposal would allow for a transition from that commercial node into the less intense residential uses that abut the Subject Property. A transition from the commercial node to less intense residential by way of a moderately intense residential use is a common practice that helps to support the nearby businesses with additional rooftops and protect the less intense, single-family detached homes from commercial encroachment. In fact, this zoning proposal would remedy this very issue. One parcel that is part of the zoning proposal is zoned C-1 and being used as a motorcycle bar. This parcel immediately abuts property zoned R-100 that is being used for a single-family detached home. The zoning proposal would remove the motorcycle bar and buffer the existing residential subdivision from the proposed townhomes. This, in turn, would provide much needed protection for the single family homes from the existing commercial and the proposed townhomes. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

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



The Subject Property does not have a reasonable economic use as currently zoned.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties. The zoning proposal will only affect those properties included in the application. The commercial properties to the east will not be adversely affected by the townhomes. In fact, they might benefit from the additional customers that can take advantage of the nearby businesses. The single-family detached homes to the west and northwest will not be adversely affected as there will be a significant buffer between the townhomes and the existing single-family detached homes. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

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 Applicant is not aware of other existing or changing conditions affecting the use and development of the Subject Property which give supporting grounds for either approval or disapproval of the zoning proposal.

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

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. One parcel that is part of the zoning proposal lies within the Soapstone Historic Overlay District. The Applicant will complete all due diligence required by the County to ensure that no sensitive historic artifacts are on the Subject Property. If there are, then the Applicant will satisfy all County requirements to protect those assets. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

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; and

The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The zoning proposal is for 94 single-family attached townhomes. So, any traffic impact will be low. Thus, there will not be an excessive or burdensome use of existing streets. Additionally, there are two bus stops nearby for residents to take advantage of. However, with the number of units proposed, there will not be an excessive or burdensome use of transportation facilities. Lastly, there will not be an excessive or burdensome use of schools.

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



The zoning proposal will not adversely impact the environment or surrounding natural resources. The zoning proposal will result in some trees being cut down, but any development would require the same. While there is a stream that runs along the northwest portion of the property, along with some flood plain, the development will stay away from that area. The stream will be protected by following the County's code for streams and stream buffers. Therefore, the zoning proposal will not adversely impact the environment or surrounding natural resources.

### III. SPECIAL LAND USE PERMIT CRITERIA

A. Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;

The size of the site is adequate for the proposed use. The zoning proposal will satisfy all County requirements for yards, open space, off-street parking, and all other applicable requirements of the RSM zoning district.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district, and whether the proposed use will create adverse impacts upon any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration generated by the proposed use;

The zoning proposal will permit a use that is compatible with adjacent and nearby property or properties and the zoning proposal will not create an adverse impact on any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration. The Subject Property is near the corner of Bouldercrest Road and Cedar Grove Road where a significant commercial node exists. The zoning proposal would allow for a transition from that commercial node into the less intense residential uses that abut the Subject Property. A transition from the commercial node to less intense residential by way of a moderately intense residential use is a common practice that helps to support the nearby businesses with additional rooftops and protect the less intense, single-family detached homes from commercial encroachment. In fact, this zoning proposal would remedy this very issue. One parcel that is part of the zoning proposal is zoned C-1 and being used as a motorcycle bar. This parcel immediately abuts property zoned R-100 that is being used for a single-family detached home. The zoning proposal would remove the motorcycle bar and buffer the existing residential subdivision from the proposed townhomes. This, in turn, would provide much needed protection for the single family homes from the existing commercial and the proposed townhomes. Therefore, The zoning proposal will permit a use that is compatible with adjacent and nearby property or properties.

Additionally, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property or properties. The zoning proposal will have some, but a minimal, impact on traffic, and will not create any odor, dust, vibration, or any other issues that could adversely impact the surrounding properties.



Therefore, the zoning proposal will permit a use that is compatible with adjacent and nearby property or properties and the zoning proposal will not create an adverse impact on any adjoining land use by reason of traffic volume/congestion, noise, smoke, odor, dust, or vibration.

C. Adequacy of public services, public facilities, and utilities to serve the use contemplated;

There are adequate public services, facilities, and utilities to serve the contemplated use.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;

The public street on which the use is proposed to be located is adequate and there is sufficient traffic carrying capacity for the use proposed. The Subject Property fronts on two arterial streets. Bouldercrest Road is classified as a Major Arterial, while Cedar Grove Road is classified as a Minor Arterial. Thus, there is plenty of carrying capacity on the abutting roadways.

E. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

There is adequate ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon. There are two points of ingress/egress to the Subject Property. One point is off Bouldercrest Road and the other is off Cedar Grove Road. The Subject Property is laid out to allow the flow of traffic through the proposed community so that residents can enter or exit from either ingress/egress point.

F. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

The proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. The proposed use is residential whereas the surrounding properties are either residential or commercial. The proposed residential use will not have any "hours of operation." Therefore, the proposed use will not create adverse impacts upon any adjoining land use by reason of the hours of operation.

G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

The proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. The use is residential. The property owners will use the land merely for residential purposes.

H. Whether or not the proposed use is consistent with, advances, conflicts, or detracts from the policies of the Comprehensive Plan;



The proposed use is consistent with and advances the policies of the Comprehensive Plan. The future land use map shows that the Subject Property has Suburban and Neighborhood Commercial future land use designations. Both future land use designations permit the RSM zoning district, which in turn permits the single family attached townhomes.

Additionally, the zoning proposal reserves space for public pocket parks. This serves to create a open green space for the community to enjoy.

*I.* Whether or not there is adequate provision of refuse and service areas;

There is adequate provision of refuse and service areas.

J. Whether the length of time for which the special land use permit is granted should be limited in duration:

The length of time for which the special land use permit is granted should not be limited in duration. The Applicant intends to develop this site for property owners to purchase homes. If the Special Land Use Permit were to expire, the property would suddenly become non-conforming and the property owners would bear that burden at no fault of their own.

K. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of the adjacent and nearby lots and buildings;

The size, scale, and massing of proposed buildings is appropriate in relation to the size of the Subject Property and in relation to the size, scale, and massing of the adjacent and nearby lots and buildings.

L. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources. One parcel that is part of the zoning proposal lies within the Soapstone Historic Overlay District. The Applicant will complete all due diligence required by the County to ensure that no sensitive historic artifacts are on the Subject Property. If there are, then the Applicant will satisfy all County requirements to protect those assets. Therefore, the zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

M. Whether the proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.

The proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.



N. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, as expressed and evidenced during the review process.

The proposed use is consistent with the needs of the neighborhood or the community as a whole. The zoning proposal will allow for additional consumers to frequent the nearby businesses, it will provide a public pocket park for the community to enjoy, and the zoning proposal will provide for additional housing to combat the ongoing housing crisis.

### IV. CONCLUSION

For the foregoing reasons, the Applicant hereby requests that the applications for a Rezoning from R-100 and C-1 to RSM and Special Land Use Permit be approved. The Applicant welcomes any questions and feedback from the planning staff.

# V. NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF CONTITUTIONAL 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 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 or Special Land Use Permit 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 land use amendment and/or Rezoning and Special Land Use Permit 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 land use amendment and/or Rezoning and Special Land Use Permit 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 land use designation and/or 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 land use designation and/or 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 Fulton 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



5/24/2023 VIA: EMAIL Z-23-1246390 and SLUP-23-1246391

ATTN: Brandon White (blwhite@dekalbcountyga.gov)

Current Planning Manager White:

On behalf of the Applicant for the proposed Rezoning and Special Land Use Permit applications for property located at 2098 and 2124 Cedar Grove Road, and 3345 Bouldercrest Road, being parcel numbers 15-021-01-010, 15-021-01-015, and 15-021-01-016 pertaining to petition numbers Z-23-1246390 and SLUP-23-1246391, I respectfully request to defer this application two cycles.

Prepared By:

Joshua Mahoney

For Battle Law, P.C.