

Agenda Item

File ID: 2025-0286

Substitute 7/8/2025

Public Hearing: YES ☒ NO ☐

Department: Planning and Sustainability

SUBJECT:

Commission District(s): Commission District 03 Super District 06

Application of Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow single-family detached cluster homes in Tier 3 of the Bouldercrest Overlay District, the Soapstone Historic District, and the R-100 (Residential Medium Lot-100) zoning district, at 2098 & 2124 Cedar Grove Road.

Petition No.: 2024-0366 SLUP-24-1246917

Proposed Use: Single-family detached cluster homes

Location: 2098 & 2124 Cedar Grove Road, Conley, Georgia 30288

Parcel No.: 15-021-01-015; 15-021-01-016

Information Contact: John Reid, Sr. Planner

Phone Number: 404-371-2155

PURPOSE:

Application of Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow single-family detached cluster homes in Tier 3 of the Bouldercrest Overlay District, the Soapstone Historic District, and the R-100 (Residential Medium Lot-100) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: (Feb. 2025) Denial. (August 2024) Denial. (April 2024) Full cycle deferral.

PLANNING COMMISSION: (March 4, 2025) 30-day deferral. (September 12, 2024) Denial. (May 2, 2024) Denial.

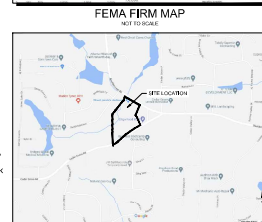
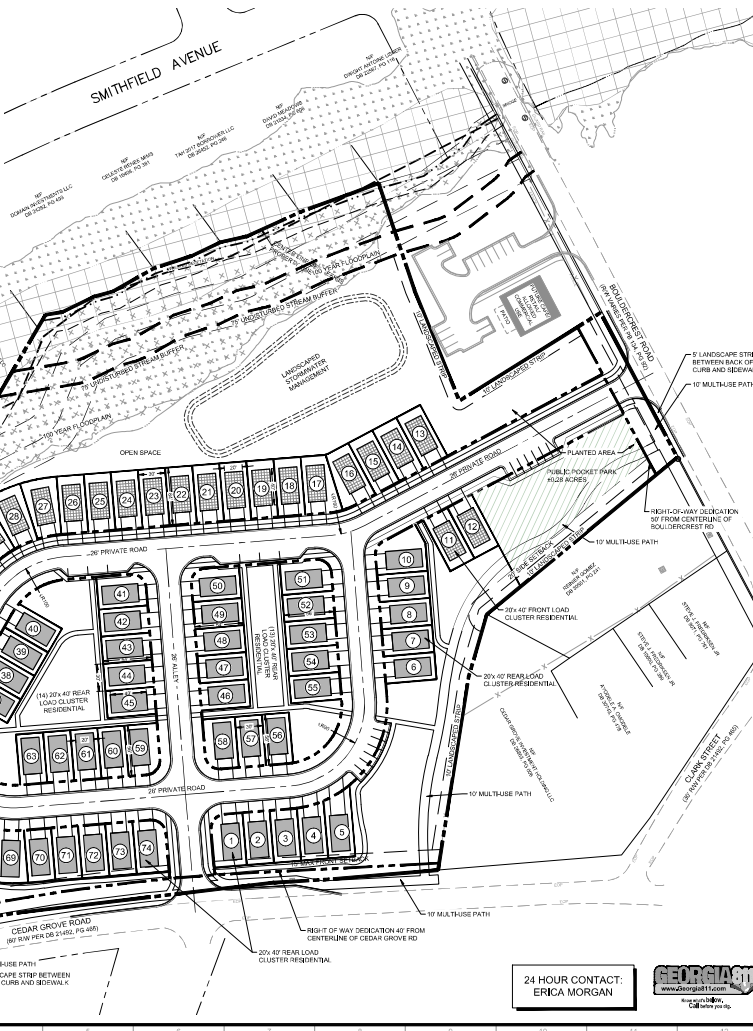
STAFF RECOMMENDATION: Approval with conditions.

PLANNING STAFF ANALYSIS: The applicant submitted a revised plan (dated 06/04/25, see attached) consisting of single-family detached cluster homes at a density of 6.7 units per acre. The previous plan consisted of townhomes, single-family detached cluster homes, and 8 live-work units. The proposed density of the new plan has remained unchanged and is consistent with the maximum density of 8 units per acre allowed in the Suburban (SUB) Character Area. No density bonuses are required since the proposed Floor Area Ratio (FAR) of .24 is less than the maximum FAR of 1 allowed in the Bouldercrest Overlay District (BOD). Tier 3 of the BOD is a low-intensity area at the intersection of Bouldercrest Road and Cedar Grove Road. The goal of Tier 3 is to "promote evolution into a neighborhood center, by allowing small scale development in a mixed-use context, providing for a more compatible use to adjacent single-family neighborhoods". While the previous plan incorporating both a mix of residential uses and some live/work non-residential opportunities appears to be more consistent with the small-scale, mixed-use goals of Tier 3, the proposed single-family detached cluster homes appear to provide compatibility with adjacent and surrounding single-family neighborhoods. Furthermore, these residential uses could trigger future demand for small scale neighborhood commercial around the Bouldercrest Road/Cedar Grove Road intersection to provide the mixed-use context called for by Tier 3. Therefore, it appears that the new plan meets the minimum requirements of the BOD. Based on review of section 27-7.4.6 (Special Land Use Permit,

criteria to be considered), it appears there is compliance with the SLUP criteria. Therefore, Planning Staff recommends ***“Approval with Staff’s recommended conditions”***.

PLANNING COMMISSION VOTE: (March 4, 2025) 30-Day Deferral 5-2-1. Deanna Murphy moved, Jan Costello seconded for a 30-day deferral to the April 22, 2025 Board of Commissioners meeting, per Staff recommendation. Tess Snipes and LaSonya Osler opposed; Winton Cooper abstained. **(September 12, 2024) Denial 8-1-0.** Jon West moved, Vivian Moore seconded for denial. Jan Costello opposed. **(May 2, 2024) Denial 6-1-0.** Vivian Moore moved, Jon West seconded for denial. Jan Costello opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (February 2025) Denial 8-2-0. Council recommended denial because the community felt that there has been no clear effort of communication from the applicant of this project over the past two years. **(August 2024) Denial 8-0-0. (April 10, 2024) Full cycle deferral 11-1-0.** Full cycle deferral to allow the applicant to hold another community meeting for more public input. Issues discussed included potential traffic impacts and limiting rental units.

[illegible]

24 HOUR CONTACT
ERICA MORGAN



Board of Commissioners Hearing Date: May 29, 2025; 10:00 AM

STAFF ANALYSIS

CASE NO.:	SLUP-24-1246917	File ID #: 2024-0366
Address:	2098 & 2124 Cedar Grove Road, Ellenwood, Georgia.	Commission District: 3 Super District: 6
Parcel ID(s):	15 021 01 015; 15 021 01 016	
Request:	For a Special Land Use Permit (SLUP) to allow the construction of single-family attached townhomes, live-work units, and single-family detached cluster homes in the Bouldercrest Overlay District Tier 3 & Soapstone Historic District under RSM (Residential Small Lot Mix) zoning standards.	
Property Owner(s):	Bouldercrest Holdings, LLC	
Applicant/Agent:	Battle Law	
Acreage:	11.35 acres	
Existing Land Use:	Vacant land.	
Surrounding Properties:	Commercial and Single-Family Residential.	
Adjacent Zoning:	North: Bouldercrest Overlay Tier 3/R-100 South: Bouldercrest Overlay Tier 3/R-100 East: MR-2 West: C-1 & HR-3	
Comprehensive Plan:	SUB (Suburban) <u> X </u> Consistent <u> </u> Inconsistent	
Proposed Density: 6.9 du/acre	Existing Density: N/A	
Proposed Units/Square Ft.: 47 single-family, attached townhomes, 8 live/work units, 24 rear loaded cluster homes	Existing Units/Square Feet: Vacant	

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS (REVISED 5/27/25)

This application was deferred from the November 2024 agenda to allow the applicant time to consider revising the plan to incorporate community concerns raised at the Community Council District 3 meeting on August 14th, 2024. Since the November 21, 2024 Board of Commissioners meeting, the applicant submitted a revised master plan (see attached revised plan dated 03/06/25) which includes a mixture of single-family detached cluster homes and live-work units in addition to single-family attached townhomes, and has decreased the total number of residential units and density from 88 units (7.7 units per acre) to 79 units (6.9 units per acre). This revision also includes two publicly accessible parks/open spaces that will be maintained by the HOA of the development.

The revised proposal contains a mixture of housing options that are designed to preserve sensitive environmental features (floodplain and stream buffers along northern portion of the site). The plan also provides for more than the minimum degree of open space (20% required, 30% provided) along with opportunities for passive recreation for the immediate and surrounding community, and streetscape improvements. The proposed mix of townhomes, single-family cluster homes, and live/work units at a maximum of 6.4 units per acre appears to be consistent with the Tier 3 goals of the BOD to “*promote small scale development within a mixed-use context to provide for a more compatible use to adjacent single-family neighborhoods*” (Section 3.39.2.C, Bouldercrest Overlay District). With appropriate zoning conditions the

project is also consistent with the following goals, strategies, and guiding principles of the 2050 Comprehensive Plan: 1. Maximum density of eight dwelling units per acre; 2. New development should be designed to preserve existing undeveloped greenspace including the provision of cluster development; 3. Promotion of streetscaping and a strong public realm; 4. Protect existing single-family neighborhoods through appropriate transitions, buffers, and infill development; 5. Provide a variety of housing options for County residents; 6. Development should prioritize sustainability and the preservation of DeKalb County's dwindling natural spaces and undeveloped areas; and 7. Promote healthy living within neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking, and connectivity (page 29 and 47, 2050 Comprehensive Plan).

While there is a significant amount of open space provided, the BOD requires that all open space be publicly accessible and provide connections from public sidewalks and adjacent parks/open space. The applicants updated plan (dated 3/6/25) now shows these open spaces are connected and accessible. Additionally, the updated plan has addressed the minor technical issues from Planning Department Staff mentioned at the March Planning Commission meeting, although relatively minor variances may be necessary. **Based on review of Section 27-7.4.6 (Special land use permit, criteria to be considered), it appears that there is compliance with all SLUP criteria,** and it is the recommendation of the Planning & Sustainability Department that the application be "Approved" with the following conditions.

1. There shall be a mixture of single-family detached cluster homes, single-family attached townhomes and live-work units constructed at the Site. The maximum number of residential dwelling units must not exceed 79 units. No less than 25% of the Site shall be maintained as open space, this shall not include stream buffers and floodplain areas. Any request to increase the number of units shall be deemed a major change and thus, subject to major modification procedures, per Section 7.3.10 of the DeKalb County Zoning Ordinance.
2. There shall be general compliance with the locations of single-family cluster homes, single-family attached townhomes, live-work units, open space, and two pocket parks shown on the approved site plan, dated March 6, 2025, entitled "*Bouldercrest Road @Cedar Grove Road Conceptual Master Plan*" by PEC Planners & Engineers Collaborative. To the extent that there is any conflict between the site plan and the other approved conditions, the written conditions shall control. To the extent there is any conflict between the site plan and the *DeKalb County Zoning Ordinance*, the Zoning Ordinance shall prevail. Changes to the location of homes due to significant engineering, topography, or archaeological challenges shall be permitted.
3. The approval of this SLUP application by the Board of Commissioners shall have no bearing on the requirements for other regulatory approvals under the authority of the Zoning Board of Appeals or other entity whose decision should be based on the merits of the application under review by such entity.
4. General consistency with the live-work, townhomes, and single-family cluster conceptual elevations prepared by Eric Morgan submitted to the Planning & Sustainability Department on February 26, 2025 a copy of which is attached hereto as Exhibit A, subject to the requirements set forth in Section 3.39.6 of the DeKalb County Zoning Ordinance. Consistent with the submitted elevations, the live-work units must show a distinctive office architecture on the bottom floor and residential on the top floors. When viewed from any street, the bottom floor should look like its designed to be a commercial/retail/office space.

5. Consistent with the Site Plan dated March 6, 2025, pedestrian trails which connect the project to the open space and park areas from Bouldercrest Road and Cedar Grove Road shall be provided prior to the issuance of any building permits.
6. All internal streets shall be private. Transportation improvements including but not limited to right-of-way dedications, landscape strips, sidewalks/multi-use paths shall be as required by the DeKalb County Transportation Department.
7. All housing units built in the development shall be “solar ready” and have electric service panels with sufficient capacity to accommodate electric vehicle charging within any attached garages and solar roof panels. The electrical panel shall be sized to accommodate a 40- amp double pole breaker on the opposite end of the panel labeled “reserved for solar”. A minimum of one 240 V AC plug will be installed in each attached garage to accommodate electric vehicle charging. Details for each home shall be provided during building permit review.
8. Prior to the issuance of any certificates of occupancy, the two pocket parks shall be completed.

SLUP-25-1246917 (2024-0366)
Recommended Conditions
May 29, 2025 - BOC
2098 & 2124 Cedar Grove Road

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