



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2019-3528

5/7/2019

File Status: Preliminary Item

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT: Rezone - Duke Land Group, LLC

COMMISSION DISTRICTS: 2 & 6

Application of Duke Land Group, LLC for a modification of zoning conditions in an RSM (Small Lot Residential Mix) District related to the mix of uses approved pursuant to CZ-02081, at 2200 Flat Shoals Road.

PETITION NO: N3. CZ-19-1243154

PROPOSED USE: 21 Single-Family Attached Townhomes.

LOCATION: 2200 Flat Shoals Road, Atlanta

PARCEL NO. : 15-141-01-001

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Duke Land Group, LLC for a modification of zoning conditions in an RSM (Small Lot Residential Mix) District related to the mix of uses approved pursuant to CZ-02081. The property is located at the southeast corner of Keystone Drive and Flat Shoals Road at 2200 Flat Shoals Road, Atlanta. The property has approximately 354 feet of frontage on Flat Shoals Road and 480 feet on Keystone Drive and contains 2.03 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: FULL CYCLE DEFERRAL.

PLANNING COMMISSION: PENDING.

PLANNING STAFF: APPROVAL WITH CONDITIONS.

STAFF ANALYSIS: Because the zoning proposal would increase the County's housing inventory it would be consistent with Housing Policy 9 of the 2035 Comprehensive Plan to ". . . provide a variety of housing opportunities and choices to better accommodate the needs of residents." Replacing the commercial component of the 2003 development with residences would help avert the potential spread of commercial uses between the commercial nodes at Flat Shoals and Fayetteville Road and at Flat Shoals and Gresham Road.

Thus, the zoning proposal is consistent with policies that discourage commercial sprawl. As a medium-density residential development on an arterial street, at the southern edge of a single-family residential community, it is consistent with the intent of the Suburban Character Area to “recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.” (page 77) If screened as recommended by Staff, the proposed development is not expected to adversely affect the existing use or usability of adjacent or nearby properties. In addition, to achieve a neighborly appearance that would contribute to a sense of neighborhood security and a perception of inclusiveness, Staff recommends that each unit have a walkway from a functioning door to the sidewalk that is proposed along Keystone Drive. There has been no indication that the proposed development would cause excessive burdens on the public infrastructure. Therefore, the Department of Planning and Sustainability recommends “Approval”.

PLANNING COMMISSION VOTE: PENDING.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Full Cycle Deferral, 10-0-2. The Community Council recommended full cycle deferral to allow time for further discussion of unresolved issues. Residents of adjoining and nearby neighborhoods stated that they do not want street connectivity between the existing and the proposed new development; also, they want existing buffers and screening between existing and proposed development to be preserved and/or constructed and/or expanded. The CC Board raised questions about the architectural design of the proposed homes, the marketability of the proposed homes, impact of the new homes on the existing detention pond, visibility of the rear of the proposed homes from Flat Shoals Road and Keystone Drive.

Recommended Conditions

1. Subject Property shall be developed for a maximum of 21 single-family attached townhomes.
2. Each of the townhome units in the building located next to Keystone Drive (i.e., each of Units 1-8 as shown on the site plan prepared by Hayes, James & Associates and dated April 4, 2019) shall have a walkway that leads from a functioning door to the sidewalk that is proposed to be constructed next to Keystone Drive. At least 30% of the area of the facade of each unit that faces Keystone Drive shall have doors, porches, balconies, or windows.
3. Underground utilities will be utilized. Any exterior lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development.
4. The minimum size of each dwelling unit will be 1800 square feet per townhouse.
5. Sidewalks will be installed during the development process on the internal street of the Subject Property as well as along the Keystone Drive frontage of the Subject Property.
6. The height of any building on the Subject Property shall be restricted to 3 stories and a maximum height of 45 feet.
7. The residential units shall be constructed with exterior materials as allowed in Section 27-5.7.4 of the DeKalb County Code, as illustrated by the attached Building Form Examples 1 and 2.
8. The area designated as "Open Space" on the Site Plan shall be preserved as common green space, for use by residents of the proposed development, and shall be enhanced as a recreational amenity with a walking trail and at least one dog waste disposal station. This area may be improved to the extent necessary to fulfill these conditions of zoning approval, for the installation and maintenance of utilities as necessary, and as per the Site Plan.
9. Applicant shall cause a landscape screen to be installed along the property lines on the north sides of the subject property that abut single-family residential properties, for the purpose of screening the proposed development from view from adjoining properties.
10. The development shall have a mandatory homeowners association that shall be responsible for maintenance of all exterior, common, landscaped, detention, and entrance areas.
11. Security/privacy fencing in the form of a solid wooden fence shall be installed along the northern property line of the Subject Property which adjoins the accessory commercial area property lines on the north sides of the subject property that abut single-family residential properties.
12. Applicant shall comply with the DeKalb County Tree Ordinance.
13. All existing vegetative buffers/screens located on the adjoining Brighton Homes development shall remain in place.



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov**

Michael Thurmond
Chief Executive Officer

**Planning Commission Hearing Date: May 7, 2019, 6:30 P.M.
Board of Commissioners Hearing Date: May 28, 2019, 6:30 P.M.**

**MAJOR MODIFICATION – CHANGE OF CONDITIONS
STAFF ANALYSIS**

Case No.: CZ-19-1243154 **Agenda #:** N. 3

Location/Address: 2200 Flat Shoals Road **Commission District:** 3 **Super District:** 6

Parcel ID: 15-141-01-001

Request: Major Modification of zoning conditions in an RSM (Residential Small Lot Mix) district related to the mix of uses approved pursuant to CZ-02081. The proposal is to construct 21 single-family attached townhomes on a 2.03-acre portion of the development that was previously approved for 16,000 square feet of accessory commercial space and 32 live/work units.

Property Owner: East Atlanta Highway 85, LLC

Applicant/Agent: Duke Land Group, LLC

Acreage: 2.03-acre portion of a 31.5-acre tract

Existing Land Use: Undeveloped, wooded.

Surrounding Properties: To the northwest, north, northeast, and east: single-family residential. To the southeast and south, commercial. To the southwest: The Vineyards of Flat Shoals multifamily residential development. To the west: an undeveloped, wooded lot.

Adjacent Zoning: **North:** R-75 **South:** C-1 **East:** RSM **West:** R-75 **Northeast:** R-75 **Northwest:** R-75 **Southeast:** NC **Southwest:** MR-2

Comprehensive Plan: Suburban **Consistent** **Inconsistent**

Proposed Density: 6.51 units/acre (entire 31.5-acre tract)	Existing Density: (approved pursuant to CZ-0281) 6.51 units/acre
Proposed Units: 21	Existing Units/Square Feet: (approved pursuant to CZ-0281) 32 units/16,000 s.f accessory commercial
Proposed Lot Coverage: 60%	Existing Lot Coverage: N.A. – site is undeveloped

Zoning History: In 2002, the Board of Commissioners approved CZ-02081, a request to rezone the 31.5 acre tract within which the subject property is located, from R-75 (Residential Medium Lot-75) to TND (Traditional Neighborhood Development) with conditions, for 38 single-family detached homes, 146 single-family attached townhomes, 32 live/work loft units, and 16,000 square feet of accessory commercial space. The live-work units and commercial space were shown on the conditional site plan at the corner of Flat Shoals Road and Keystone Drive. To date, this portion of the development has not been constructed although the remainder of the development was built in 2005.

In addition to the site plan, CZ-02081 was approved with conditions regarding undergrounding of utilities, lighting, unit size, building height, exterior materials, provision of open space, landscaping, establishment of a homeowners' association, fencing, and adherence to the County Tree Ordinance.

PROJECT SITE

The subject property is located in southwest DeKalb County, on the northeast side of Flat Shoals Road, about midway between the two points where Flat Shoals Road intersects with Interstate 20. It has street frontage on Flat Shoals Road, a two-way, two-lane minor arterial with a curb under which a storm drain was installed in connection with the adjoining residential development, and Keystone Drive, a two-way, two-lane local street with no curb or storm drains. The site is undeveloped and wooded. A sidewalk is located back of curb on the Flat Shoals Road frontage and there is no sidewalk along the Keystone Drive frontage. The topography slopes from the northeast corner of the site to the southwest, towards Flat Shoals Road. DeKalb County maps indicate that a stormwater pipe was installed under Flat Shoals Road along the property frontage to pipe stormwater from a detention pond that was constructed between 2003 and 2005 at the edge of the adjoining Brighton Village development.

PROJECT AREA

A commercial node is located around the intersection of Flat Shoals Road and Fayetteville Road near the northwestern intersection of Flat Shoals Road with I-20. The majority of this node is located in the City of Atlanta; the portion located in unincorporated DeKalb County is zoned C-1. Another commercial node, also zoned C-1, is located at the southeastern intersection of Flat Shoals and I-20, where Flat Shoals Road meets Gresham Road. The latter is anchored by a WalMart store. In between these two nodes, there are two relatively small clusters of commercial properties, spread approximately 700-900 feet apart, on the southwest side of Flat Shoals Road, opposite the side on which the subject property is located. These smaller commercial properties, which are developed with a place of worship (Faith Deliverance Temple), a vacant self-serve car wash establishment, and a partially-occupied multi-tenant commercial shopping center, are zoned C-1 (Local Commercial) and NS (Neighborhood Services). Based on the vacancies and the distances between the commercial properties, the portion of Flat Shoals Road near the subject property has not become a viable commercial corridor.

Residential land uses in the vicinity of the subject property consist of single-family residential neighborhoods that were platted in the early 1950s to the early 1960s, as well as newer multifamily residential developments. The single-family residential neighborhoods to the north and northeast are zoned R-75 (Residential Medium Lot-60). The Vineyards of Flat Shoals multifamily residential development, which is located across Flat Shoals Road opposite the subject property, was completed in 1966 using low-income housing tax credits. It contains 228 apartments, has a density of 12 units per acre, and is zoned MR-2 (Medium Density Residential-2).

PROPOSAL

The proposal under consideration is to develop twenty-one townhome units in four buildings. Vehicular circulation would be provided by a private drive from Flat Shoals Road. A cleared open space with a walking trail and dog waste station would be located at the northeast corner of the site. The front entrances to the homes would face the private

drive, from which individual driveways for each unit would lead to ground-floor parking. The site plan indicates a wall along the Flat Shoals Road frontage of the property and street trees planted 50 feet on center between the wall and the Flat Shoals Road pavement. The proposal includes a sidewalk along the Keystone Drive frontage of the property and street trees between the sidewalk and the Keystone Drive pavement.

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

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

Because the zoning proposal would increase the County’s housing inventory it would be consistent with Housing Policy 9 of the 2035 Comprehensive Plan to “. . . provide a variety of housing opportunities and choices to better accommodate the needs of residents.” Replacing the commercial component of the 2003 development with residences would help avert the potential spread of commercial uses between the commercial nodes at Flat Shoals and Fayetteville Road and at Flat Shoals and Gresham Road. Thus, the zoning proposal is consistent with policies that discourage commercial sprawl. As a medium-density residential development on an arterial street, at the southern edge of a single-family residential community, it is consistent with the intent of the Suburban Character Area to “recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility.” (page 77.)

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

The proposed development is suitable in that it is a residential land use that is expected to have similar off-site impacts as the adjoining residential land uses. However, the homes face inward towards the center of the development. They do not present the type of neighborly appearance that would contribute to a sense of neighborhood security and a perception of inclusiveness. Staff recommends that the façade of the building that fronts on Keystone Drive incorporate architectural features that symbolize interaction with nearby properties. At a minimum, Staff recommends that each unit have a walkway from a functioning door to the sidewalk that is proposed along Keystone Drive.

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

It does not appear that the property to be affected by the zoning proposal has a reasonable economic use as currently zoned. To date, the property has not been developed as proposed and approved in 2003, when it was rezoned with conditions that required it to be developed with accessory commercial in a live/work building.

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

If screened as recommended by Staff, the proposed townhomes is not expected to 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:

Approval of the zoning proposal is supported by the absence of the development that was proposed in 2003. property.

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

There are no historic buildings, sites, districts, or archaeological resources on or near the subject property.

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:

The Department of Public Works Traffic Engineering Division has commented that the proposed development would not interrupt traffic flow on surrounding streets. It appears that the proposed development would not overburden existing utilities.

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

There has been no indication that the proposed development would impact the natural environment or surrounding natural resources any more than what is typical for residential redevelopment of a wooded site.

RSM STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE		Base: 4; with bonuses: up to 8 d.u.s/acre	6.5 units/acre	Approved for entire development site pursuant to CZ-02-081
MIN. OPEN SPACE		20%	20%	Yes
MIN. LOT AREA		Not applicable to fee-simple lots	N.A.	N.A.
MIN. LOT WIDTH		50 feet	239.26 feet	Yes
MAX. LOT COVERAGE		70% of total parcel acreage	60%	Yes
BUILDING SETBACKS (ENTIRE BLDG. SITE)	FRONT	Keystone Drive: 20 feet Flat Shoals Road: min. 20 ft.; max. 30	Keystone Drive: 25 ft. Flat Shoals Road: 20 ft.	
	SIDE – FLAT SHOALS ROAD	min. 20 ft.; max. 30 ft.	20 feet	Yes
	SIDE (next to R-75 districts)	Superseded by transitional buffer	_____	_____
	REAR W/O ALLEY	15 ft.	10 feet	A variance will be necessary
MINIMUM UNIT SIZE		1,200 square feet	1,800 square feet	Yes
MAX. BLDG. HEIGHT		3 stories or 45 feet	3 stories or 45 feet	Yes
PARKING		Min. 1.5 spaces per d.u. & .25/d.u. visitor parking = 36.75 Max 3/d.u. & .25 spaces/d.u. visitor parking = 68.25	45 spaces	Yes

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.

Because the zoning proposal would increase the County's housing inventory it would be consistent with Housing Policy 9 of the 2035 Comprehensive Plan to ". . . provide a variety of housing opportunities and choices to better accommodate the needs of residents." Replacing the commercial component of the 2003 development with residences would help avert the potential spread of commercial uses between the commercial nodes at Flat Shoals and Fayetteville Road and at Flat Shoals and Gresham Road. Thus, the zoning proposal is consistent with policies that discourage commercial sprawl. As a medium-density residential development on an arterial street, at the southern edge of a single-family residential community, it is consistent with the intent of the Suburban Character Area to "recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility." (page 77) If screened as recommended by Staff, the proposed development is not expected to adversely affect the existing use or usability of adjacent or nearby properties. In addition, to achieve a neighborly appearance that would contribute to a sense of neighborhood security and a perception of inclusiveness, Staff recommends that each unit have a walkway from a functioning door to the sidewalk that is proposed along Keystone Drive. There has been no indication that the proposed development would cause excessive burdens on the public infrastructure. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following conditions:

(Note: A version of the recommended conditions without mark-ups is attached to this document.)

1. Subject Property ~~will be rezoned TND (conditional) and will contain no more than 38 single family detached homes, 146 single family townhouses, 32 live/work/loft units and 16,000 square feet of accessory commercial space developed substantially in accordance with the Site Plan dated December 2, 2002, prepared by Clark Design Group, P.C., and filed with the Planning Department on December 3, 2002.~~ shall be developed for a maximum of 21 single-family attached townhomes.
- 1.2. Each of the townhome units in the building located next to Keystone Drive (i.e., each of Units 1-8 as shown on the site plan prepared by Hayes, James & Associates and dated April 4, 2019) shall have a walkway that leads from a functioning door to the sidewalk that is proposed to be constructed next to Keystone Drive. At least 30% of the area of the facade of each unit that faces Keystone Drive shall have doors, porches, balconies, or windows.
- 2.3. Underground utilities will be utilized. Any exterior lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development. ~~Security lighting shall be installed in the accessory commercial portion of the development.~~
- 3.4. The minimum size of each dwelling unit will be ~~1500~~ 1800 square feet per townhouse, ~~and 1900 square feet per single family detached dwelling.~~
- 4.5. Sidewalks will be installed during the development process on the internal street of the Subject Property as well as along the ~~Flat Shoals Road and~~ Keystone Drive frontages of the Subject Property.
- 5.6. The height of any building on the Subject Property shall be restricted to ~~4~~ 3 stories ~~and a maximum height of 45 feet.~~
- 6.7. The residential units shall ~~consist of brick, hardcoat stucco, stacked stone, hardiplank siding or cedar shake (excluding architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or any other cantilevered areas)~~ be constructed with exterior materials as allowed in Section 27-5.7.4 of the DeKalb County Code, as illustrated by the attached Building Form Examples 1 and 2.
- 7.8. The area designated as "Open Space" on the Site Plan shall be preserved as common green space, for ~~the benefit of use by future~~ residents of ~~this the proposed~~ development, ~~and shall be enhanced as a recreational amenity with a walking trail and at least one dog waste disposal station.~~ This area may be improved ~~to create a~~

~~passive recreational amenity. Otherwise, it shall not be disturbed except~~ to the extent necessary to fulfill these conditions of zoning approval, for the installation and maintenance of utilities as necessary, and as per the Site Plan.

~~8.9.~~ Applicant shall ~~file a landscape plan for the accessory commercial entrance to the Subject Property and for the Keystone Drive/Flat Shoals Road intersection at the time of filing for development permits~~ cause a landscape screen to be installed along the property lines on the north sides of the subject property that abut single-family residential properties, for the purpose of screening the proposed development from view from adjoining properties.

~~9.10.~~ The development shall have a mandatory homeowners association that shall be responsible for maintenance of all exterior, common, landscaped, detention, and entrance areas.

~~10.11.~~ Security/privacy fencing in the form of a ~~black, vinyl-dipped chain link~~ solid wooden fence shall be installed along the northern property line of the Subject Property which adjoins the accessory commercial area property lines on the north sides of the subject property that abut single-family residential properties.

~~11.12.~~ Applicant shall comply with the DeKalb County Tree Ordinance.

~~12.~~ Applicant shall ~~plant a screening buffer consisting of Leland Cypress trees at least 6 feet in height at a distance of 10 feet on center to provide a visual screen between the Travis property and the live/work units/accessory commercial space.~~ All existing vegetative buffers/screens located on the adjoining Brighton Homes development shall remain in place.

Attachments:

1. Final Version of Staff-recommended Conditions
2. Department and Division Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Land Use Plan Map
9. Aerial Photograph
10. Site Photographs

NEXT STEPS

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

- ✔ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✔ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✔ • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✔ • **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

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



April 4, 2019

Mr. Bill Probst
Duke Land Group
4828 Ashford Dunwoody Road
Atlanta, GA 30338

Re: 2.03 Acres, 2200 Flat Shoals Road, DeKalb County
Hayes|James Project No.: 19-0005-C

Dear Mr. Probst:

This letter is regarding a request from DeKalb County to revise the site plan for the above-referenced project. The request for revision is to rotate two of the four townhome buildings so they face Flat Shoals Road and Keystone Drive.

We have evaluated this request and find it to be prohibitive because of the following:

1. The topography of this site is such that there is an elevation change of between 8 and 12 feet from Flat Shoals Road to the units. This situation also occurs on Keystone Drive near all but the last three units of the building. This elevation change occurs within a distance of 30'. Any connections to the units via walkways would require a series of site walls and multiple steps up to the units. This is not very pleasing aesthetically and will never be ADA accessible. We see this as the main obstacle of turning the units.
2. Frontages of the units along the main roads will not be used. There is no parking allowed along either Flat Shoals or Keystone Drive. Homeowners and visitors will enter through the internal roadway system and utilize that area to gain entry into the units. This change would be non-functional, for aesthetics only. Trying to redirect people from where they park and naturally want to enter is confusing and may even be dangerous for those unfamiliar with the area.
3. This neighborhood was designed to encourage a feeling of inclusiveness for the residents. Moving the frontages changes the focus from being an internal one to an external one with a disconnect to the residents' neighbors. People like to use their front doors. It is a symbol of welcoming others into your home. Using the back door, negates that feeling.
4. A site plan showing the units turned is certainly possible, but it is somewhat irresponsible to show this scenario when it may be an engineering impossibility.

In summary, for the reasons outlined above, we respectfully ask that this revision not be considered a viable option. Please let me know if you have any questions regarding this matter.

Sincerely,
HAYES, JAMES & ASSOCIATES, INC.

Christine E. Sims, RLA
Vice President

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Celebrating 60 years of service





DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT

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

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

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

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices.

- **Flood Hazard Area/Wetlands**

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

- **Landscaping/Tree Preservation**

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

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

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

11-3



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: CZ-19-1243154 Parcel I.D. #: 15-141-01-001

Address: 2200
Flat shoals Rd
Atl. G, 30316

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) 6TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

PLANS AND Field REVIEWED, NO problem that would INTERFERE WITH TRAFFIC flow.

Signature: Jerry Whit



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-19-1243154

Parcel I.D. #: 15-141-01-001

Address: 2200 Flat Shoals Road

Atlanta, Georgia

WATER:

Size of existing water main: 6" AC & 8" DI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

USE OF 6" AC NOT ALLOWED w/o UPGRADE TO 8" DIP MFD

SEWER:

Outfall Servicing Project: Intrenchment Creek Basin

(Development must connect to ductile iron pipe (Flat Shoals) during construction phase MUF)

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

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

Sewage Capacity: * (MGPD)

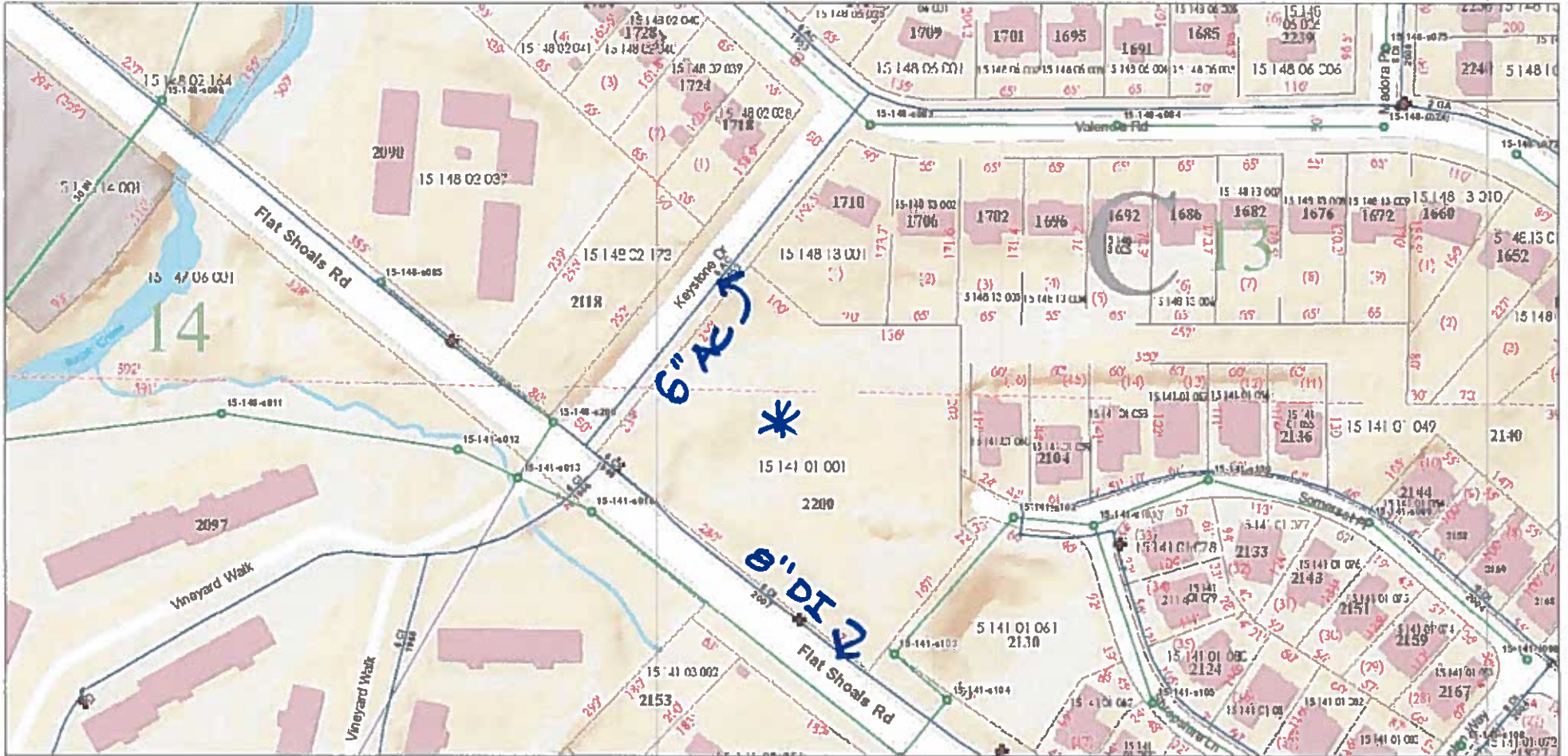
Current Flow: 21.77 (MGPD)

COMMENTS:

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

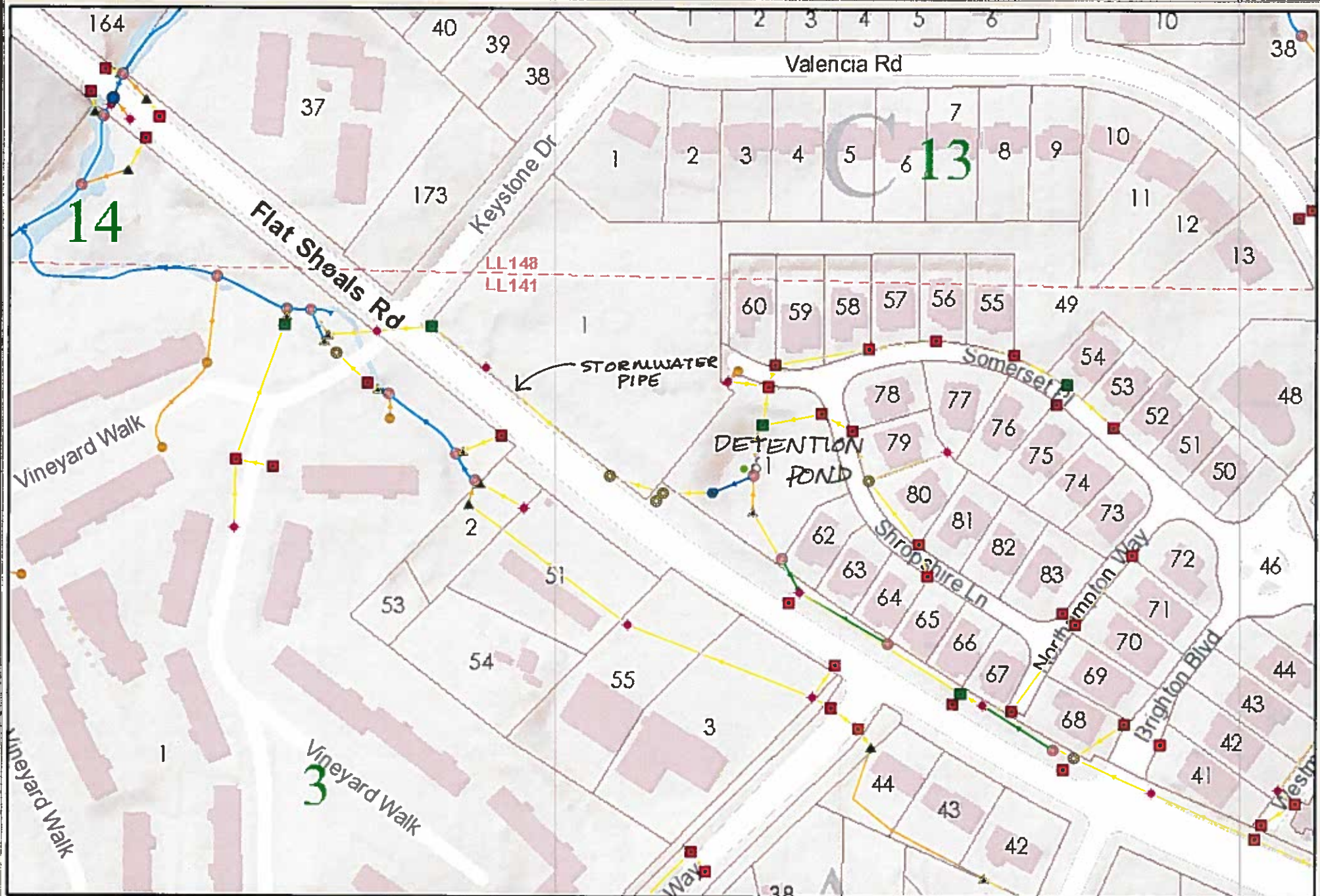
Signature: *[Handwritten Signature]*

2200 FLAT SHOALS ROAD



April 16, 2019

11-251-POLEBRIDGE	Private	LIFT STATIONS	VALVE	LATERALS	0 0.0125 0.025 0.05 mi 0 0.0225 0.045 0.09 km
15-030-SNAPPINGER	DEKALB	Air Valves	STORAGE	District	
INTRENCHMENT-ATLANTA	ATLANTA	SEWER FORCE MAINS	PUMP	Land_Lot	
Atlanta	NOT IN COUNTY	FlowArrows	SOURCE	Address	
DeKalb	PRIVATE	.75; 1; 1.5; 10; 12; 14; 2; 2.5; 3; 4; 6; 8	TREATMENT PLANT	TaxParcel	
Not in County	16"-72"	HYDRANT			



DeKalb County Parcel Map



Date Printed: 4/27/2019



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



DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

C2-19-1243154

Existing Conditional Zoning No.: C2-02081

APPLICANT NAME: Duke Land Group, LLC

Daytime Phone#: 770-294-6543 Fax #: _____ E-mail: Bill@Duke-Land.com

Mailing Address: 4828 Ashford Dunwoody Road, Atlanta, GA 30338

OWNER NAME: East Atlanta Highway 85, LLC
one owner, attach contact information for each owner

(If more than

Daytime Phone#: 770-318-5154 Fax #: _____ E-mail: _____

Mailing Address: 4828 Ashford Dunwoody Road, Suite 100, Atlanta, GA 30338

SUBJECT PROPERTY ADDRESS OR LOCATION: _____

2200
~~2130~~ Flat Shoals Road, Atlanta _____, DeKalb County, GA, 30316

District(s): ~~18th~~ 15th Land Lot(s): ~~141 and~~ 148 Block(s): 01 Parcel(s): 15-141-01-001

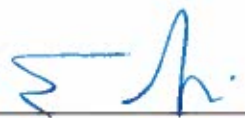
Acreage or Square Feet: 31.5 acres Commission District(s): 3 and 6 Existing Zoning: RCM

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

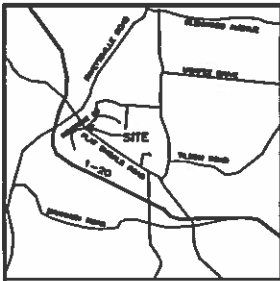
_____ Yes No If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: _____ Agent:
(Check One)

Signature of Applicant: 

Printed Name of Applicant: Eyal Livnat on behalf of Duke Land Group, LLC Major Modification Application





DO NOT BEGIN CONSTRUCTION BEFORE NOTIFYING
 DEKALB COUNTY INSPECTIONS DEPARTMENT AT
 (404) 371-2117.
 24 HR. EMERGENCY CONTACT:
 MR. EYAL LIVNAT

LL 148
 LL 141

OWNER/DEVELOPER:
 DUKE LAND GROUP
 2825 ASPHENS BURNWOOD ROAD
 ATLANTA, GA 30338
 CONTRACT EYAL LIVNAT
 (770) 254-0843

PREPARED BY:
 HAYES, JAMES & ASSOCIATES, INC.
 4148 SHAKLEFORD ROAD SUITE 300
 MARIETTA, GEORGIA 30068
 CONTRACT: CONCRETE GRAB/MARK BOND
 (770) 923-1800

TOTAL SITE = 31.5 ACRES
 PROJECT SITE = 2.03 ACRES
 EXISTING ZONING = RSM (SMALL LOT RESIDENTIAL)
 REZONING CASE (#CZ-02081, FEBRUARY 11, 2003)

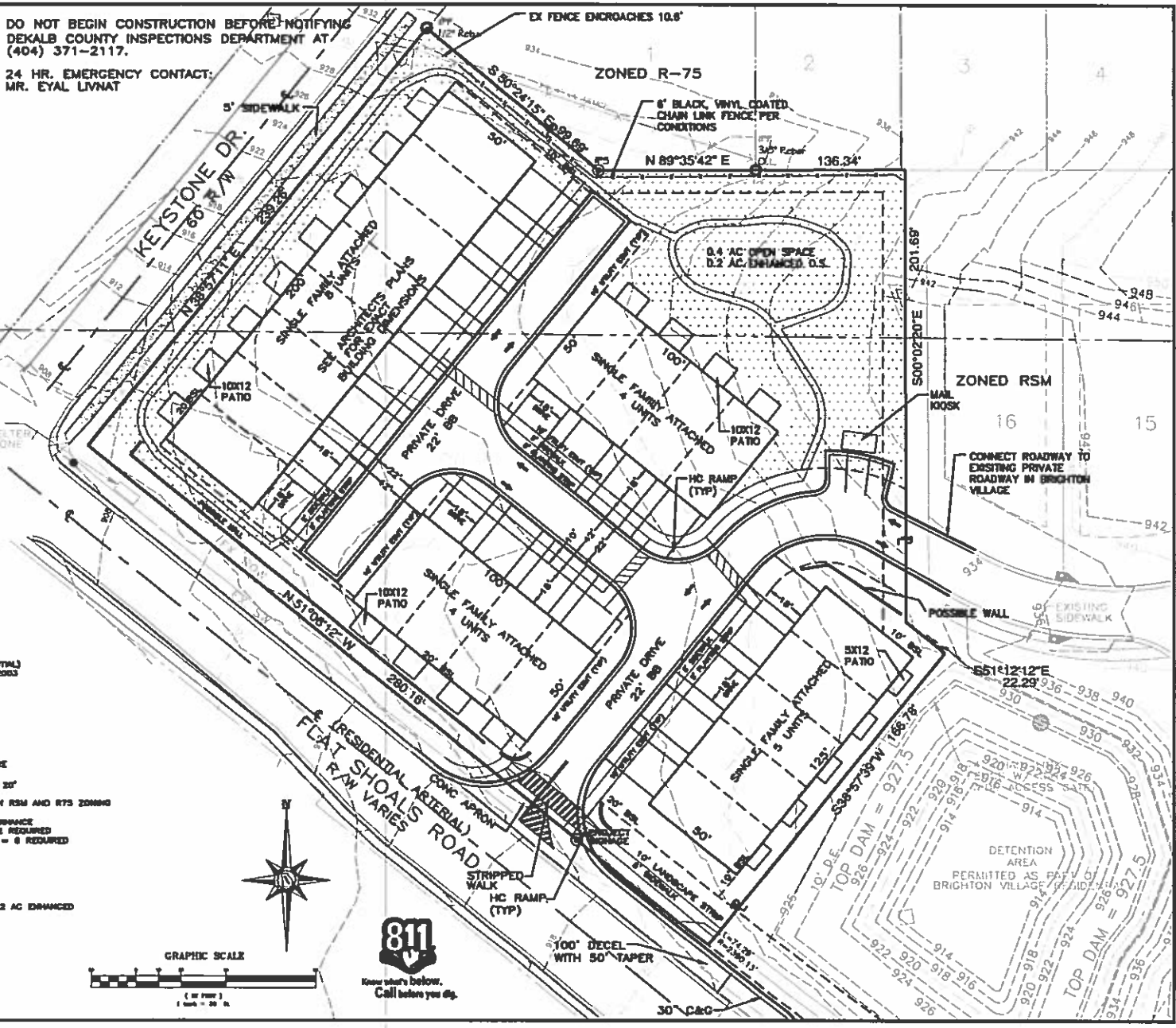
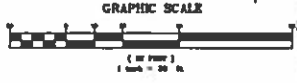
PROJECT USE IS 21 TOWNHOME UNITS
 SITE DENSITY = 0.81 DU/AC

SINGLE FAMILY ATTACHED UNITS
 MINIMUM SQUARE FOOTAGE = 1,800 SF
 MINIMUM LOT WIDTH = 28'
 BUILDING HEIGHT = 3 STORIES MAX
 ENTRANCE MAY BE GATED

FRONT SETBACK = 20' ALONG THOROUGHFARE
 SIDE SETBACK = 0'
 SIDE CORNER SETBACK ON PUBLIC STREET = 20'
 REAR SETBACK = 10'
 NO TRANSITIONAL BUFFERS REQUIRED BETWEEN RSM AND R73 ZONING

PARKING SPACES BASED ON RSM ZONING ORDINANCE
 RESIDENTIAL = 1.3 SPACES X 21 UNITS = 27 REQUIRED
 GUEST PARKING = 0.25 SPACES X 21 UNITS = 5 REQUIRED
 EACH UNIT HAS A 2 CAR GARAGE
 TOTAL PARKING REQUIRED = 32
 TOTAL PARKING PROVIDED = 48

20% OF SITE TO BE IN OPEN SPACE
 0.33 AC X 1% = 0.44 AC IN DS
 50% OF OPEN SPACE TO BE ENHANCED = 0.2 AC ENHANCED
 LOT COVERAGE = 70% MAX



HAYES, JAMES & ASSOCIATES
 ARCHITECTS, ENGINEERS, PLANNERS & SURVEYORS
 4148 SHAKLEFORD ROAD SUITE 300
 MARIETTA, GEORGIA 30068
 (770) 923-1800

PRELIMINARY SITE PLAN
 FOR
 DUKE LAND GROUP
 4148 FLAT SHOALS ROAD
 DEKALB COUNTY, GEORGIA

NO.	DATE	DESCRIPTION
1	08/15/03	PRELIMINARY SITE PLAN
2	08/15/03	CONCRETE GRAB/MARK BOND
3	08/15/03	CONCRETE GRAB/MARK BOND
4	08/15/03	CONCRETE GRAB/MARK BOND
5	08/15/03	CONCRETE GRAB/MARK BOND
6	08/15/03	CONCRETE GRAB/MARK BOND
7	08/15/03	CONCRETE GRAB/MARK BOND
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98	08/15/03	CONCRETE GRAB/MARK BOND
99	08/15/03	CONCRETE GRAB/MARK BOND
100	08/15/03	CONCRETE GRAB/MARK BOND





February 15, 2019

NOTICE OF COMMUNITY MEETING

Wednesday, February 27, 2019
6:00 p.m. to 7:00 p.m.
Wesley Chapel Branch Library
2861 Wesley Chapel Rd.
Decatur, GA 30034

Duke Land Group invites you to a community meeting to discuss its proposal with respect to the property located at 2130 Flat Shoals Road, Atlanta, Georgia 30316. Specifically, Duke Land Group seeks to change zoning conditions from 2003 (CA-02081) to reduce density by removing (1) 16,000 square feet of accessory commercial space, and (2) 32 for rent live/work/loft units, and proposing instead 21 single family, owner occupied townhomes. Duke Land Group's proposed site plan is on the back of this notice.

This community meeting is designed to provide information to surrounding neighbors of current rezoning and special land use permit applications. It is an opportunity for the community to learn about a proposed project, ask questions, present concerns and make suggestions. We encourage you to take this opportunity to learn about our project.

For more information, please contact: Bill Probst
(770) 318-5154 (cell)
bill@duke-land.com

2130 Flat Shoals Road - Duke Land Group

MEETING SIGN-IN SHEET

Project:	Zoning Case CZ-08071	Meeting Date:	2.27.2019
Facilitator:	Bill Probst	Place/Room:	Wesley Chapel Library

	Name	Company	Are You a Resident	Phone	E-Mail	Address
1.	Mark Gipe		yes			2120 Somerset Pl SE Atlanta, GA 30316
2.	Louca Montgery		yes			2176 Somerset Pl Atlanta GA 30316
3.	Deborah M. Houston		YES			2213 Leicester Way Ath, 30316
4.	Dominick Barino		yes			2144 Somerset Pl Ath, GA 30316
5.	Jacqueline Taylor		yes			2128 Somerset Pl SE Atlanta GA
6.	Elizabeth Rosdor		yes		ERosdor@gmail.com	1880 S Hampton Lane Atlanta GA 30316
7.	Janetta Cureton		yes	770 254 9114	jdcurton74@gmail.com	
8.	Ellen Aseged		Yes			
9.	Samuel		Yes			4107 Oxford Court Dr. Doraville GA 30095
10.	Lakeshia Gunn		Yes	404 309 4733	Lgunn54@gmail.com	1710 Valencia Rd dec, GA
11.	Zakia Funchess		Yes	678-458-6946		2160 Somerset Pl Atlanta, GA 30316
12.						
13.						
14.						
15.						
16.						
17.						
18.						
19.						



Ellen W. Smith
Partner
Telephone: 678.690.5720
Direct Fax: 404.869.6972
ellensmith@parkerpoe.com

Atlanta, GA
Charleston, SC
Charlotte, NC
Columbia, SC
Greenville, SC
Raleigh, NC
Spartanburg, SC

February 28, 2019

Via Hand Delivery

Department of Planning and Sustainability
DeKalb County
Clark Harrison Building
330 West Ponce de Leon Avenue
Decatur, GA 30030

Re: Major Modification Application ("**Application**") by Duke Land Group, LLC ("**Applicant**") with respect to that certain approximately 31.5-acre property located at 2130 Flat Shoals Road, DeKalb County, Georgia (the "**Property**")

LETTER OF APPLICATION

Ladies and Gentlemen:

This law firm has the pleasure of representing Applicant with respect to the Application. Applicant respectfully submits for consideration the Application, seeking a downzoning and modification of the existing zoning conditions applicable to the Property to allow for the development of the Property with 21 single-family attached townhomes.

Background and Existing Conditions

The Property is an approximately 31.5-acre tract located on the north side of Flat Shoals Road. The Property is zoned Small Lot Residential Mix (RSM), and is surrounded by properties to the East and Southeast zone RSM, properties to the North and Northwest zoned R-75, properties to the East zoned MR-2, and properties to the South and Southwest zoned C-1. All properties nearby and adjacent to the Property are classified as Suburban on the 2035 Future Land Use map.

As part of a larger tract, the Property was zoned RSM-Conditional in 2003 commonly called "The Embry Group / Flat Shoals Road" pursuant to CZ02081 (2003). The remaining property subject to that 2003 zoning has been developed and the Property, originally conditioned to be improved with 16,000 square feet of accessory commercial with 32 rental live/work/loft units above it, has remained unimproved for more than 15 years. In addition to the commercial and rental units, there were additional conditions that would have allowed the minimum square footage of each rental unit to be only 1,500 square feet, the height of the building to be up to four (4) stories, and to install a Leland Cypress buffer for screening between the commercial portion of the project and the other residential portions of the project.

PPAB 4723794v2

Proposed Zoning Modifications and Ordinance Requirements

Applicant seeks to modify the 2003 zoning conditions to eliminate the commercial and rental multifamily uses and downzone to only 21 single-family townhomes. Applicant also proposes to increase the minimum square footage of each townhome from 1,500 to 1,800 square feet, to reduce the maximum height from four (4) to three (3) stories and to eliminate the Leland Cypress tree buffer since there is no commercial proposed that would require screening. As a reference, Applicant includes a list of proposed zoning conditions as well as, for reference, a comparison document showing the changes it proposes to the 2003 conditions. Unless modified as shown, all other conditions from 2003 remain unchanged.

The 21 single-family townhomes will be two-bedroom homes with rear-loading access and two car garages. The townhomes will be built in accordance with the existing condition number 6 that requires the unit exteriors to be brick, hardcoat stucco, stacked stone, hardplank siding, or cedar shake. Applicant has proposed alternate modern and traditional elevations for consideration and is amenable to either. The site plan remains in compliance with the "Open space" condition, in which a 20% of the site remains preserved as common green space for the benefit of future residents. There will be one access road into the development on Flat Shoals road and a gated exit access into the existing Brighton Village neighborhood.

Application Requirements

Pursuant to 7.3 of The Zoning Ordinance of DeKalb County, Georgia, as amended from time to time (the "**Zoning Ordinance**"), Applicant seeks to modify zoning conditions as described above.¹ As more particularly described in the Impact Analysis and given that

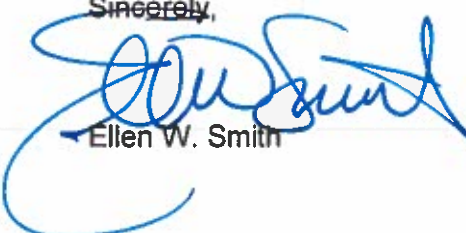
¹ Applicant notifies DeKalb County of its constitutional concerns with respect to its Application. If the DeKalb County Board of Commissioners (the "**Board**") denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Board denies the Application in whole or in part, such an action will deprive Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to some classification other than RSM or with conditions not requested by Applicant, either without Applicant's consent, then such approval would deprive Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Also, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Nevertheless, Applicant remains optimistic that DeKalb County's consideration of the Application will be conducted in a constitutional manner.

Applicant's requested modifications significantly reduce the density and intensity of the use of the Property, modifying the zoning conditions is appropriate and permitted pursuant to Section 7.3. In support of the Application, Applicant submits the following:

- (1) Pre-Application Conference Form (pre-application conference held on January 15, 2019);
- (2) Documentation of Community Meeting (notice, mailing list and sign in sheets – meeting held on February 27, 2019);
- (3) Application form;
- (4) Authorization form;
- (5) Written legal description of Property;
- (6) Boundary Survey, Tree Survey and Site Plan;
- (7) Approved Conditions (and comparison showing changes);
- (8) this Letter of Application;
- (9) Impact Analysis;
- (10) Campaign Disclosure Statements;
- (11) Application Fee.

The Application, this letter, and accompanying documents support Applicant's request for modification of conditions; Applicant respectfully requests that the Zoning Division recommend approval of the Application to the Board. Applicant is happy to answer questions or provide any additional information that the Zoning Division may have with regard to this Application.

Sincerely,



Ellen W. Smith

CEM:EWS

February 14, 2019

DUKE LAND GROUP/2130 FLAT SHOALS ROAD
CONDITIONS OF ZONING
CZ-02081

1. Subject Property will be rezoned RSM (conditional) and will contain no more than 38 single-family detached homes and 167 single-family townhouses.
2. Underground utilities will be utilized. Any exterior lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development. Security lighting shall be installed in the accessory commercial portion of the development.
3. The minimum size of each dwelling unit will be 1,800 square feet per townhouse and 1,900 square feet per single-family detached dwelling.
4. Sidewalks will be installed during the development process on the internal street of the Subject Property well as along the Flat Shoals Road and Keystone Drive frontages of the Subject Property.
5. The height of any building on the Subject Property shall be restricted to 3 stories.
6. The residential units shall consist of brick, hardcoat stucco, stacked stone, hardiplank siding or cedar shake (excluding architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or other cantilevered areas).
7. The area designated as "Open Space" on the Site Plan shall be preserved as common green space, for the benefit of future residents of this development. This area may be improved to create a passive recreational amenity. Otherwise, it shall not be disturbed except to the extent necessary to fulfill these conditions of zoning approval, for the installation and maintenance of utilities as necessary and as per the Site Plan.
8. Applicant shall file a landscape plan for the accessory commercial entrance to the Subject Property and for the Keystone Drive/Flat Shoals Road intersection at the time of filing for development permits.
9. The development shall have a mandatory homeowners association that shall be responsible for maintenance of all exterior, common, landscaped, detention, and entrance areas.
10. Security fencing in the form of a black, vinyl-dipped chain link fence shall be installed along the northern property line of the Subject Property which adjoins the project site.
11. Applicant shall comply with the DeKalb County Tree Ordinance.

February 14, 2019

~~THE EMBRY GROUP~~ DUKE LAND GROUP/2130 FLAT SHOALS ROAD
CONDITIONS OF ZONING
CZ-02081

1. Subject Property will be rezoned ~~TND~~ RSM (conditional) and will contain no more than ~~388 single~~ 38 single-family detached homes, ~~146 single family townhouses, 332 live/work/loft units and 16,000 square feet of accessory commercial space developed substantially in accordance with the Site Plan dated December 2, 2002, prepared by Clark Design Group, P.C., and filed with the Planning Department on December 3, 2002~~ and 167 single-family townhouses.
2. Underground utilities will be utilized. Any exterior lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development. Security lighting shall be installed in the accessory commercial portion of the development.
3. The minimum size of each dwelling unit will be ~~+500~~ 1,800 square feet per townhouse, and ~~+900~~ 1,900 square feet per single-family detached dwelling.
4. Sidewalks will be installed during ~~the~~ the development process on the internal street of the Subject Property well as along the Flat Shoals Road and Keystone Drive frontages of the Subject Property.
5. The height of any building on the Subject Property shall be restricted to ~~4~~ 3 stories.
6. The residential units shall consist of brick, hardcoat stucco, stacked stone, hardiplank siding or cedar shake (excluding architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or ~~any~~ other cantilevered areas).
7. The area designated as "Open Space" on the Site Plan shall be preserved as common green space, for the benefit of future residents of this development. This area may be improved to create a passive recreational amenity. Otherwise, it shall not be disturbed except to the extent necessary to fulfill these conditions of zoning approval, for the installation and maintenance of utilities as necessary and as per the Site Plan.
8. Applicant shall file a ~~landscape~~ plan for the accessory commercial entrance to the Subject Property and for the Keystone Drive/Flat Shoals Road intersection at the time of filing for development permits.
9. The development shall have a mandatory homeowners association that shall be responsible for maintenance of all exterior, common, landscaped, detention, and entrance areas.
10. Security fencing in the form of a black, vinyl-dipped chain link fence shall be installed along the northern property line of the Subject Property which adjoins the ~~accessory commercial area~~ project site.
11. Applicant shall comply with the DeKalb County Tree Ordinance.

~~12. Applicant shall plant a screening buffer consisting of Leland Cypress trees at least 6 feet in height at a distance of 10 feet on center to provide a visual screen between the Travis property and the live/work units/accessory commercial space.~~

Major Modification Application

Applicant: Duke Land Group, LLC

Property: 2130 Flat Shoals Road, Atlanta, DeKalb County, Georgia 30316

IMPACT ANALYSIS

Section 7.3.5 of the Zoning Ordinance¹ requires the Board to consider eight general lines of inquiry when attempting to balance the general public's interests in health, safety, morality, and general welfare against the private interest of a property owner in the process of deciding whether to grant or deny a rezoning application. Applying these guideposts to the Application shows that the Property's "Conditions of Zoning" should be modified as outlined below and the Board should GRANT the Application.

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

By way of this Application, the Applicant is not proposing a change in the rezoning of the Property; the Applicant instead proposes modifying the Property's existing "Conditions of Zoning". Applicant's proposal instead seeks a lesser intense use of the Property, seeking specifically to: (1) develop 21 single-family townhomes in lieu of 32 rental live/work/loft units and 16,000 square feet of accessory commercial space, (2) increase the minimum size of each dwelling unit to 1,800 square feet per townhouse, (3) eliminate the Leland cypress tree screen (because the commercial use is being eliminated and no screening is needed between residential uses), and (4) reduce the maximum height of any building on the Property to 3 stories. All other existing conditions will remain intact. Accordingly, if the Board's zoning decision is to grant the Application, such decision will be suitable given the existing planned use and development of the Property and the uses of adjacent and nearby properties zoned RSM, R-75, MR-2, and C-1. The zoning proposal is consistent with the 2035 Future Land Use Map, which identifies the area as Suburban.

2. 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.

If the Board grants the Application, the zoning decision will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties. Adjacent and nearby properties are zoned RSM, R-75, MR-2, and C-1, which is consistent with Applicant's zoning proposal.

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

The Property does not have a reasonable economic use as currently zoned as evidenced by the fact that the surrounding property has been developed while this Property, entitled with commercial and rental residential uses has remained undeveloped. Additionally, the surrounding community and changes surrounding the property dictate that the Property has a reasonable economic use with a conversion of proposed use to fee simple, single-family townhomes. Granting the Application will allow the development to meet DeKalb County's need for additional single-family residences.

¹Capitalized terms not otherwise defined in this Analysis shall have the meanings ascribed to them in the Summary of Intent submitted by Applicant with its Application.

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

If the Board grants the Application, the zoning decision will not adversely affect the existing use or usability of adjacent or nearby properties. Adjacent and nearby properties are zoned RSM, R-75, MR-2, and C-1, all of which are consistent with Applicant's zoning proposal. The zoning proposal will remain consistent with the nature of the development as a residential area with single-family detached homes, single-family townhomes, and apartments. Additionally, conversion of the residential product proposed for the Property from loft-style rental to single family residential provides a stability of product for the area that is consistent with adjacent uses.

5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

There are existing and changing conditions affecting the use and development of the Property which support grounds for approval of the zoning proposal. Specifically, the DeKalb County community's need for more single-family housing instead of rental, small square footage live/work/loft units, and the lack of need for commercial accessory space both support approval of the Application.

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

If the Board grants the Application, the zoning decision will not adversely affect historic buildings, sites, districts, or archaeological resources. This analysis was considered in 2003 when the Property was rezoned together with the larger tract.

7. 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.

If the Board grants the Application, the zoning decision will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The Property is already zoned RSM and approved to be developed in accordance with the previously outlined conditions. The elimination of 32 rental live/work/lofts and 16,000 feet of commercial accessory space in favor of 21 single-family townhomes will mean less people burdening the County's infrastructure. Furthermore, this change will reduce the number of the site access points onto Flat Shoals Road from two to one access point with another access point connecting to an existing private roadway in Brighton Village. In sum, approval of the Application if granted, will reduce the anticipated burden on existing streets, transportation facilities, utilities, and schools as compared to the existing entitled commercial and multifamily uses.

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

If the Board grants the Application, the zoning decision will not adversely impact the environment or surrounding natural resources. The zoning proposal remains consistent with the existing conditions and will not produce any adverse impacts to the environment or surrounding natural resources.

Based on all of these factors, Applicant has produced sufficient information to allow the Board to fully consider all relevant factors and to demonstrate that the Application complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by DeKalb County. The Board should APPROVE the Application.

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING ORDINANCE MAP IN ORDER TO REZONE PROPERTY FROM R-75 DISTRICT TO TND (cond.) DISTRICT FOR PROPERTY LOCATED ON THE SOUTHEAST INTERSECTION OF FLAT SHOALS ROAD AND KEYSTONE DRIVE AND FOR OTHER PURPOSES.

APPLICANT: The Embry Group
OWNER:

COMMISSION DISTRICTS: 3 & 6

WHEREAS, The Embry Group has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located on the southeast intersection of Flat Shoals Road and Keystone Drive, and more particularly described as follows:

All that tract or parcel of land lying and being in **District 15, Land Lot 141, Block 01, Parcels 001** of DeKalb County, Georgia, containing 31.5 acres, and

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article IV, Division 1, Section 27-832 and Section 27-833 for amending the DeKalb County Zoning Ordinance for the subject property from R-75 District to TND (cond.) District.

THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:

Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, as set forth in Section 27-4 of the DeKalb County Zoning Ordinance, an amendment to rezone property located on the southeast intersection of Flat Shoals Road and Keystone Drive, is hereby approved.

Part 2: That if this amendment is approved conditionally under the provisions of Section 27-833 and Section 27-841 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Section 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance (Attachment A).

Part 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

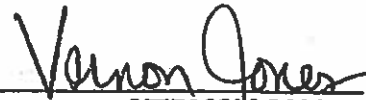
Part 4: This ordinance hereby approved does not authorize the violation of any Zoning District Regulations. District regulation variances can be approved only by the application to the Zoning Board of Appeals.

ADOPTED by the DeKalb County Board of Commissioners this 11th day of February, 2003.



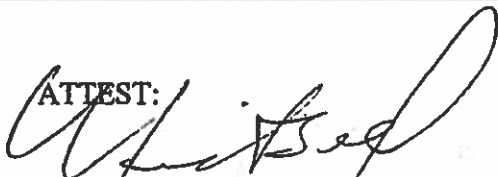
Burrell Ellis
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 11th day of February, 2003.



VERNON JONES
Chief Executive Officer
DeKalb County, Georgia

ATTEST:



MICHAEL J. BELL
Ex-Officio Clerk
Board of Commissioners
DeKalb County, Georgia

I, the undersigned, Barbara H. Sanders
Deputy Clerk of the Board of Commissioners, DeKalb
County, Georgia, DO HEREBY CERTIFY that the
foregoing is a true and correct copy of an ordinance
adopted by said Board meeting lawfully assembled on
the 11th day of February, 2003.

And same appears in Minutes of said Board this 12th
day of June, 2003.



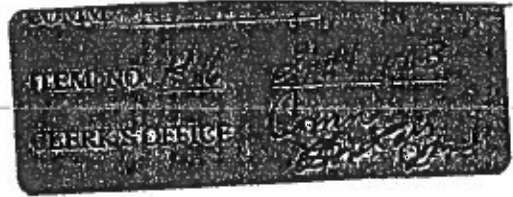
Deputy Clerk of Commissioners
DeKalb County, GA

ATTACHMENT "A"

Final Conditions for: **GZ-02081**

Requested by Applicant:	For development of a mixed-use project of residential and commercial based on a conceptual plan and list of attached conditions.
Planning Department:	As the Board Desires. The TND concept is considered one for this site and this redeveloping area. The application was deferred to provide an opportunity to correct problems identified by the staff involving the site plan. The revised site plan of December 2, 2002, still indicates private streets and has a commercial component which is visible from the existing streets, both of which are violations of the TND regulations. Approval of the site plan with these two components would be the approval of variances. The 11 written conditions are considered acceptable, with the exception of condition number one which is based on the site plan.
Planning Commission:	Approval with conditions.
Board of Commissioners:	Approved with twelve (12) conditions submitted by Commissioner Larry Johnson. (Feb. 11, 2003)

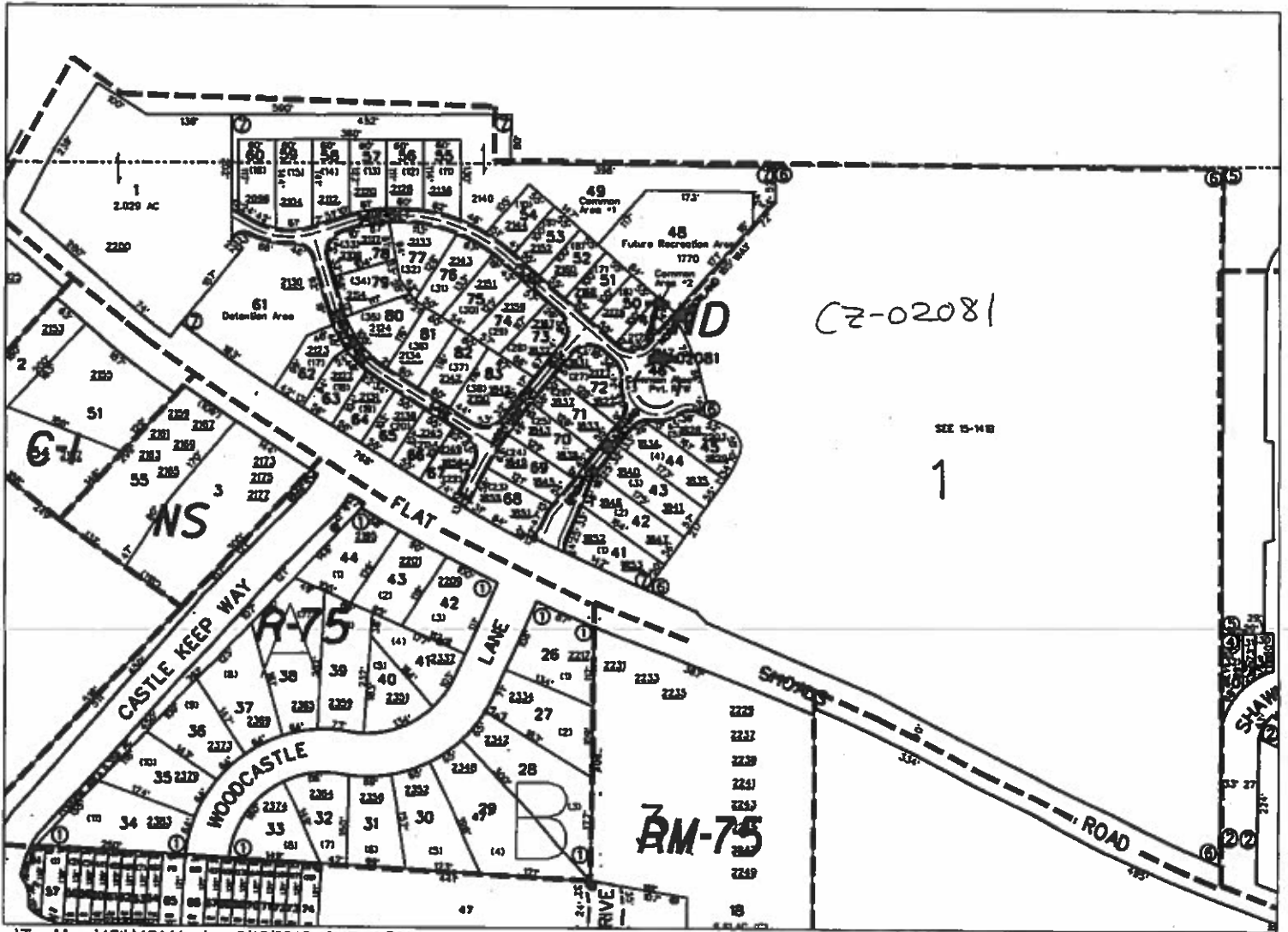
Current as of: 2/10/2003

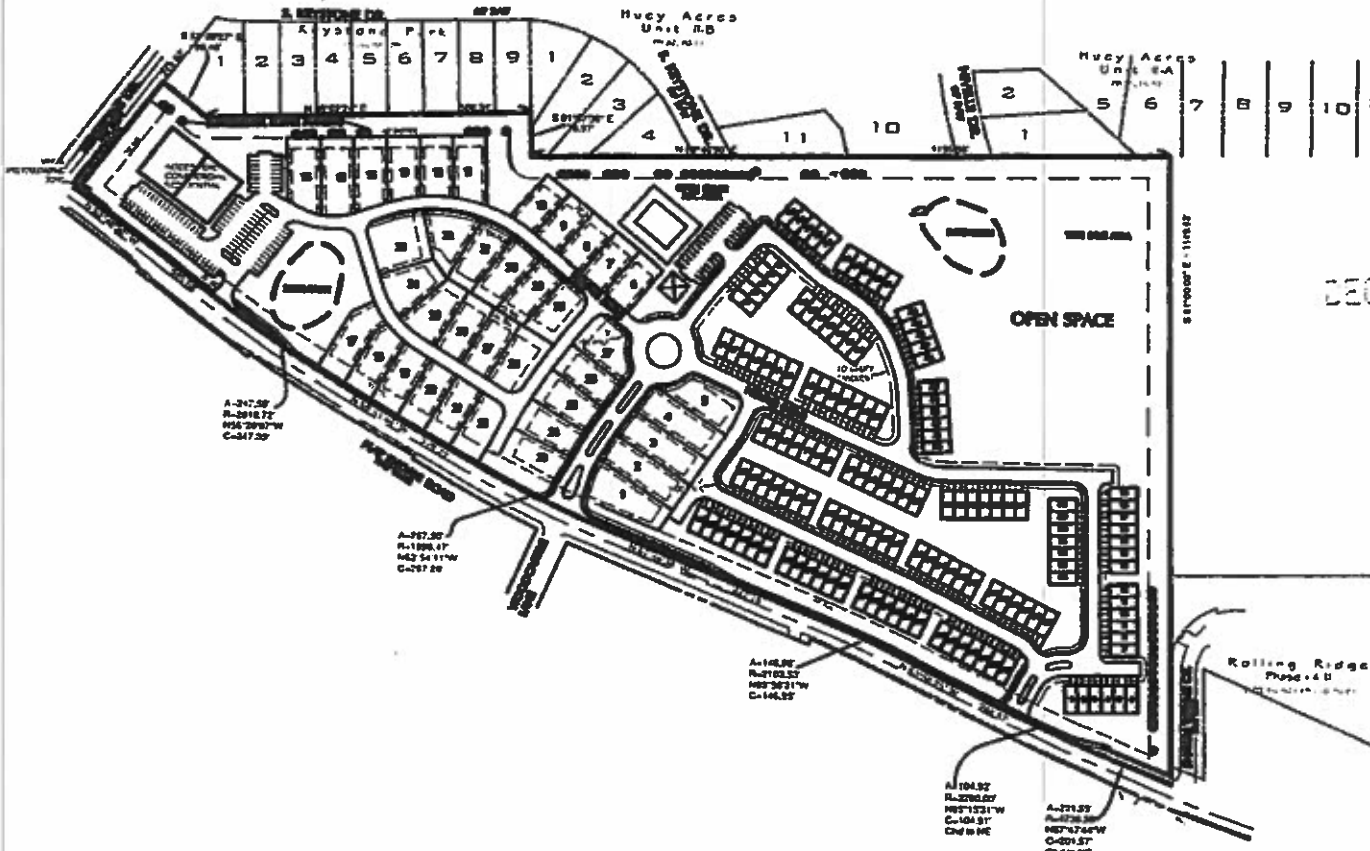


**THE EMBRY GROUP/FLAT SHOALS ROAD
CONDITIONS OF ZONING
CZ-02081**

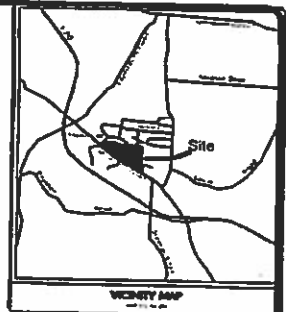
1. Subject Property will be rezoned TND (conditional) and will contain no more than 38 single family detached homes, 146 single family townhouses, 32 live/work/loft units and 16,000 square feet of accessory commercial space developed substantially in accordance with the Site Plan dated December 2, 2002, prepared by Clark Design Group, P.C., and filed with the Planning Department on December 3, 2002.
2. Underground utilities will be utilized. Any exterior lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development. Security lighting shall be installed in the accessory commercial portion of the development.
3. The minimum size of each dwelling unit will be 1500 square feet per townhouse, and 1900 square feet per single family detached dwelling.
4. Sidewalks will be installed during the development process on the internal street of the Subject Property well as along the Flat Shoals Road and Keystone Drive frontages of the Subject Property.
5. The height of any building on the Subject Property shall be restricted to 4 stories.
6. The residential units shall consist of brick, hardcoat stucco, stacked stone, hardiplank siding or cedar shake (excluding architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or any other cantilevered areas).
7. The area designated as "Open Space" on the Site Plan shall be preserved as common green space, for the benefit of future residents of this development. This area may be improved to create a passive recreational amenity. Otherwise it shall not be disturbed except to the extent necessary to fulfill these conditions of zoning approval, for the installation and maintenance of utilities as necessary and as per the Site Plan.
8. Applicant shall file a landscape plan for the accessory commercial entrance to the Subject Property and for the Keystone Drive/Flat Shoals Road intersection at the time of filing for development permits.
9. The development shall have a mandatory homeowners association that shall be responsible for maintenance of all exterior, common, landscaped, detention and entrance areas.
10. Security fencing in the form of a black, vinyl-dipped chain link fence shall be installed along the northern property line of the Subject Property which adjoins the accessory commercial area.
11. Applicant shall comply with the DeKalb County Tree Ordinance.
12. Applicant shall plant a screening buffer consisting of Leland Cypress trees at least 6 feet in height at a distance of 10 feet on center to provide a visual screen between the Travis property and the live/work units/accessory commercial space.

LIT787715.2





DEC 03 2002



LOT CHART

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100	1,200

NOTE:
Open Space area to be held in joint ownership between the developer, as stated in paragraph 1.0.

VARIANCES:
A variance of Section 22-402 of the Code is requested to allow the community development to be used through the entire block.

Site Data

Ex. Zoning	R-75
Proposed Zoning	T-70
Green Site Area	331.5 Acres
Total Attached Units	145
Total Detached Units	35
Total Accessory Green/Multifamily Units	22
Total Units	202
Density	25 U/A
Open Space Provided	25.5 AC
Total Accessory Green Floor Area	±18,000 SF (1.2% of Req'd)
Parking Req'd/Provided	64 spaces

EMBRY GROUP

24 HOUR - EMERGENCY CONTACT

Copyright 2002
Clark Design Group, P.C.
This drawing and its reproduction are the property of the engineer and may not be reproduced, published or used in any way without the written permission of the engineer.



Zoning Exhibit

FLAT SHOALS ROAD

15th Land District
Land Lot 141
DeKalb County, Georgia

Scale: 1" = 100' December 2, 2002

CDG

PLANNERS-SURVEYORS-ENGINEERS
3200 Brookridge Boulevard
Suite 112
Dunwoody, Georgia 30096
Phone: 678-263-6007
Fax: 678-260-6031

CLARK DESIGN GROUP, P.C.

CDG 00243/000004 Sheet 1 of 1 PVE 000011



March 13, 2019

Ms. Kim Snyder
 New Generation
 4828 Ashford Dunwoody Rd, Suite 100
 Dunwoody, GA 30338

Re: Traffic Generation Estimate
 Proposed Rezoning of 2.1 Acre Site
 2130 Flat Shoals Rd, Dekalb County, GA

Dear Ms. Snyder,

This letter summarizes the trip generation that would be expected for two site plans evaluated for the referenced site. Attachment 1 to this report describes the two site plans. Alternate Site Plan A is 21 townhomes and Alternate Site Plan B has 32 apartments and 14,800 square feet of retail.

Attachment 2 summarizes the trips expected for the two site plans. Since land use categories have changed in the ITE *Trip Generation* Publication between the 9th and 10th Edition, both editions were used, and the following tables contain an average of the results for both editions as presented in detail herein. The expected number of generated trips for Alternate A is very low (only 122 per day) as compared to about 1,000 for Alternate B.

TRIP GENERATION, ALTERNATIVE A (21 Townhomes)

AVERAGE DAILY			AM PEAK HOUR OF ADJ STREET TRAFFIC			PM PEAK HOUR OF ADJ STREET TRAFFIC		
Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
61	61	122	2	7	9	7	4	11

TRIP GENERATION, ALTERNATIVE B (32 Apartments and 14.8 Ksf Retail)

AVERAGE DAILY			AM PEAK HOUR OF ADJ STREET TRAFFIC			PM PEAK HOUR OF ADJ STREET TRAFFIC		
Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
489	489	978	16	22	38	30	25	55

Sincerely,

Vern Wilburn, P.E., PTOE
 Partner

ATTACHMENT 2 – TRIP GENERATION

Trip generation estimates were developed using the *TripGen 10* Software from Traffic Ware. This software is based on the methodology and data contained in the *Trip Generation* publication from the Institute of Transportation Engineers. The software can use the latest edition (10th Edition) or several previous versions as selected by the user.

The land use categories used in the Trip Generation publication have changed between the 9th and the 10th Edition. Edition 9 had a land use category for Townhomes (ITE Code 230) that is not available in the 10th Edition. There was also a Specialty Retail Category (ITE Code 826) that is not available in the 10th Edition. The following table provides the estimated trip generation using the 9th Edition.

9th Edition

TRIP GENERATION, ALTERNATIVE A (21 Townhomes)

ITE LAND USE CATEGORY	AVERAGE DAILY			AM PEAK HOUR OF ADJ STREET TRAFFIC			PM PEAK HOUR OF ADJ STREET TRAFFIC		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
230 (21 Townhomes)	61	61	122	2	7	9	7	4	11

TRIP GENERATION, ALTERNATIVE B (32 Apartments and 14.8 Ksf Retail)

ITE LAND USE CATEGORY	AVERAGE DAILY			AM PEAK HOUR OF ADJ STREET TRAFFIC			PM PEAK HOUR OF ADJ STREET TRAFFIC		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
220 (32 Apartments)	107	106	213	3	13	16	13	7	20
826 (14.8 Ksf Specialty Retail)	310	310	620	0	0	0	17	21	38
Internal Trip Capture							7	7	14
Total New Trips	417	416	833	3	13	16	23	21	44

Trip Generation Summary

Alternative: Alternative 1
 Phase:
 Project: 2130 Flat Shoals Rd

Open Date: 3/13/2019
 Analysis Date: 3/13/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic					
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
230	Townhomes		61	61	122		2	7	9		7	4	11
	21 Dwelling Units												
Unadjusted Volume			61	61	122		2	7	9		7	4	11
Internal Capture Trips			0	0	0		0	0	0		0	0	0
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			61	61	122		2	7	9		7	4	11

Total Weekday Average Daily Trips Internal Capture = 0 Percent
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent

* - Custom rate used for selected time period.

Trip Generation Summary

Alternative: Alternative 2
 Phase:
 Project: 2130 Flat Shoals Rd

Open Date: 3/13/2019
 Analysis Date: 3/13/2019

ITE	Land Use	Weekday Average Daily Trips			Weekday AM Peak Hour of Adjacent Street Traffic			Weekday PM Peak Hour of Adjacent Street Traffic					
		*	Enter	Exit	Total	*	Enter	Exit	Total	*	Enter	Exit	Total
220	Apartments		107	106	213		3	13	16		13	7	20
	32 Dwelling Units												
826	Specialty Retail on First Floor		310	310	620				0		17	21	38
	14 Gross Leasable Area 1000 SF												
Unadjusted Volume			417	416	833		3	13	16		30	28	58
Internal Capture Trips			0	0	0		0	0	0		7	7	14
Pass-By Trips			0	0	0		0	0	0		0	0	0
Volume Added to Adjacent Streets			417	416	833		3	13	16		23	21	44

Total Weekday Average Daily Trips Internal Capture = 0 Percent
 Total Weekday AM Peak Hour of Adjacent Street Traffic Internal Capture = 0 Percent
 Total Weekday PM Peak Hour of Adjacent Street Traffic Internal Capture = 24 Percent

* - Custom rate used for selected time period.



DO NOT BEGIN CONSTRUCTION BEFORE NOTIFYING DEKALB COUNTY INSPECTIONS DEPARTMENT AT (404) 371-2117.

24 HR. EMERGENCY CONTACT: MR. EYAL LIVNAT

PROJECT USE IS 21 TOWNHOME UNITS
MINIMUM LOT/UNIT WIDTH = 25'
FRONT SETBACK = 20' ALONG THOROUGFARE
SIDE SETBACK = 0
SIDE CORNER SETBACK ON PUBLIC STREET = 20'

PARKING SPACES BASED ON RSM ZONING ORDINANCE
RESIDENTIAL = 1.5 SPACES X 21 UNITS = 32 REQUIRED
GUEST PARKING = 0.25 SPACES X 21 UNITS = 6 REQUIRED
TOTAL PARKING REQUIRED = 38
TOTAL PARKING PROVIDED = 45

NEW SIDEWALKS TO BE PROVIDED = 340LF
ANY BUILDING SIDE FACING FLAT SHOALS ROAD TO MEET REQUIREMENTS OF DESIGN ELEMENTS FOR 30% OF THE AREA OF THE SIDE FACADES

PROPOSED CONDITIONS OF ZONING
DUKE LAND GROUP/2200 FLAT SHOALS ROAD
CONDITIONS OF ZONING
CZ 19-1243154

Subject Property will contain no more than 21 single-family townhomes.

Underground utilities will be utilized. Any exterior lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development.

The minimum size of each dwelling unit will be 1,800 square feet per townhome.

Sidewalks will be installed during the development process on the internal street of the Subject Property as well as along the Flat Shoals Road and Keystone Drive Frontages of the Subject Property.

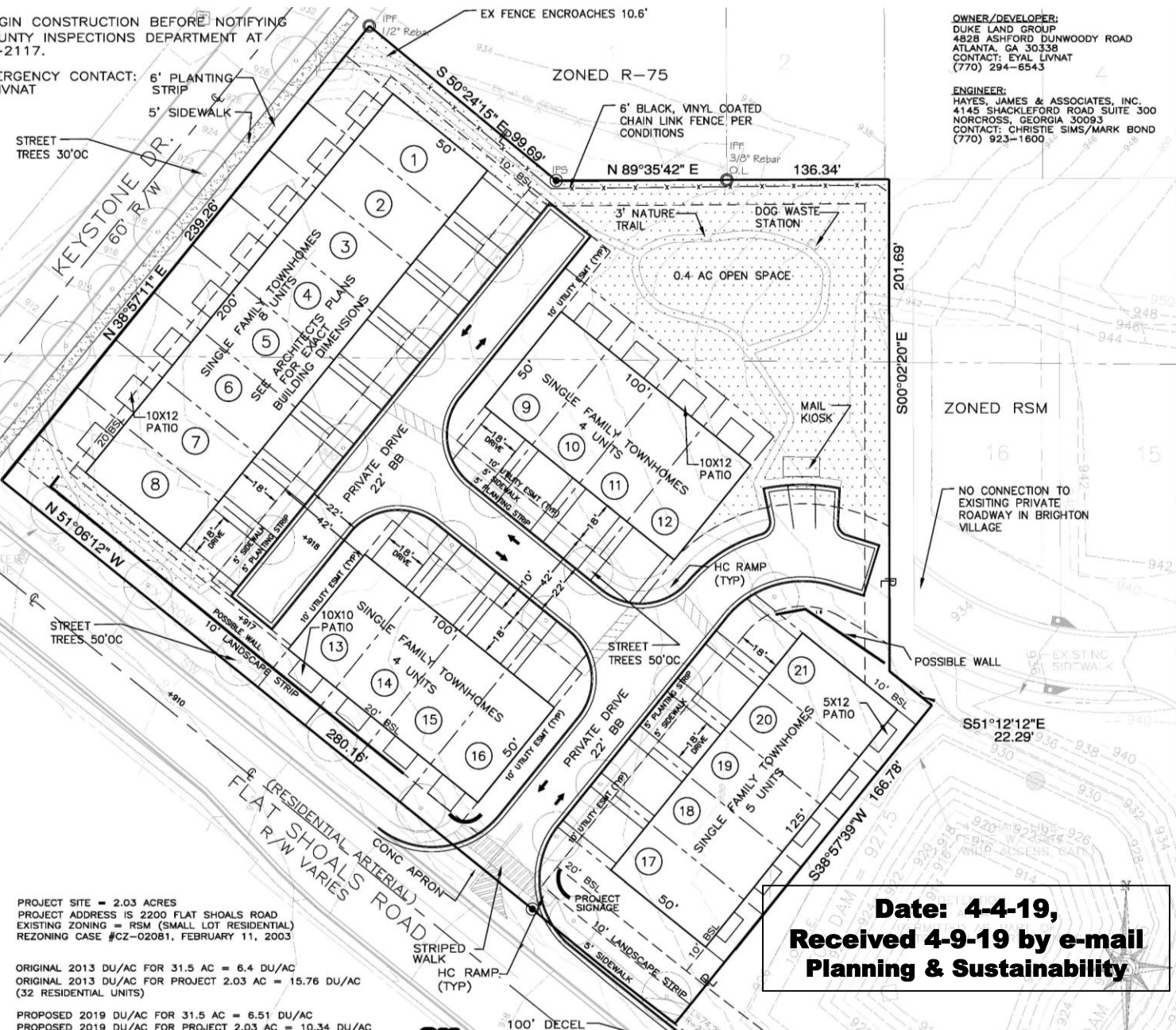
The height of any building on the Subject Property shall be restricted to 3 stories and a maximum height of 45 feet.

The residential units shall consist of materials as shown on the elevations submitted with the Application.

The area designated as "Open Space" on the Site Plan shall be preserved as common green space, for the benefit of future residents of this development. This area may be improved to create a passive recreational amenity.

Applicant shall file a landscape plan for the entrances located on Flat Shoals Road and the eastern corner of the development site into Brighton Village and for the Keystone Drive/Flat Shoals Road intersection at the time of filing for development permits.

The development shall have a mandatory homeowners association that shall be



OWNER/DEVELOPER: DUKE LAND GROUP
4828 ASHFORD DUNWOODY ROAD
ATLANTA, GA 30338
CONTACT: EYAL LIVNAT
(770) 294-6543

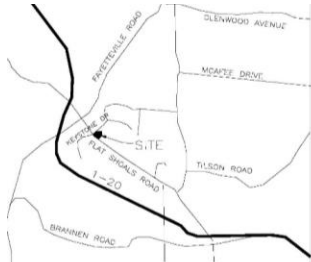
ENGINEER: HAYES, JAMES & ASSOCIATES, INC.
4145 SHACKLEFORD ROAD SUITE 300
NORCROSS, GEORGIA 30093
CONTACT: CHRISTIE SIMS/MARK BOND
(770) 923-1600

HAYES, JAMES & ASSOCIATES
CONSULTING ENGINEERS ARCHITECTS & SURVEYORS
DULUTH, GEORGIA
(770)923-1600

PRELIMINARY SITE PLAN
FOR
DUKE LAND GROUP
#2200 FLAT SHOALS ROAD
DEKALB COUNTY, GEORGIA

Table with columns for DATE, SCALE, PROJECT NO., DATE, ISSUE, NO., DESCRIPTION, COUNTY SUBMITTAL, LAND LOTS, SECTION, COUNTY, STATE, GEORGIA, DESIGNED BY, DRAWN BY, APPROVED BY.

Date: 4-4-19,
Received 4-9-19 by e-mail
Planning & Sustainability



**Received
4-9-19
Planning &
Sustainability**

DO NOT BEGIN CONSTRUCTION BEFORE NOTIFYING DEKALB COUNTY INSPECTIONS DEPARTMENT AT (404) 371-2117.

24 HR. EMERGENCY CONTACT: MR. EYAL LIVNAT

OWNER/DEVELOPER:
DUKE LAND GROUP
4828 ASHFORD DUNWOODY ROAD
ATLANTA, GA 30338
CONTACT: FYAL LVNAT
(770) 294-6543

ENGINEER:
HAYES, JAMES & ASSOCIATES, INC.
4745 S-HACKLIFORD ROAD SUITE 300
NORCROSS, GEORGIA 30093
CONTACT: CHRISTIE SIMS/MARK BOND
(770) 923-1600



FRONT SETBACK = 20' ALONG THROUGHFARE
SIDE SETBACK = 0'
SIDE CORNER SETBACK ON PUBLIC STREET = 20'
REAR SETBACK = 10'
NO TRANSITIONAL BUFFERS REQUIRED BETWEEN RSM AND R75 ZONING

PARKING SPACES BASED ON RSM ZONING ORDINANCE
RESIDENTIAL = 1.5 SPACES X 21 UNITS = 32 REQUIRED
GUEST PARKING = 0.25 SPACES X 2 UNITS = 6 REQUIRED
EACH UNIT HAS A 2 CAR GARAGE
TOTAL PARKING REQUIRED = 38
TOTAL PARKING PROVIDED = 45

20% OF SITE TO BE IN OPEN SPACE
2.03 AC X .2 = 0.4AC IN OS
10' COVERAGE = 60% (70% MAX ALLOWED)

NEW SIDEWALKS TO BE PROVIDED = 340LF
ANY BUILDING SIDE FACING FLAT SHOALS ROAD TO MEET REQUIREMENTS OF DESIGN ELEMENTS FOR 30% OF THE AREA OF THE SIDE FACADES

PROPOSED CONDITIONS OF ZONING March 28, 2019
DUKE LAND GROUP/2200 FLAT SHOALS ROAD
CONDITIONS OF ZONING
CZ-19-1243154

1. Subject Property will contain no more than 21 single-family townhouses.
2. Underground utilities will be utilized. Any exterior lights will be screened, shielded, and/or shaded so as to minimize glare and the casting of light outside the new development. Security lighting shall be installed in the accessory commercial portion of the development.
3. The minimum size of each dwelling unit will be 1,800 square feet per townhouse.
4. Sidewalks will be installed during the development process on the internal street of the Subject Property as well as along the Flat Shoals Road and Keyston Drive frontages of the Subject Property.
5. The height of any building on the Subject Property shall be restricted to 3 stories and a maximum height of 45 feet.
6. The residential units shall consist of materials as shown on the elevations submitted with the Application.
7. The area designated as "Open Space" on the Site Plan shall be preserved as common green space, for the benefit of future residents of this development. This area may be improved to create a passive recreational amenity. Otherwise, it shall not be disturbed except to the extent necessary to fulfill these conditions of zoning approval, for the installation and maintenance of utilities as necessary and as per the Site Plan. The Open Space shown on the Site Plan shall be enhanced as a recreational amenity with a walking trail and at least one dog waste disposal station.
8. Applicant shall file a landscape plan for the entrances located on Flat Shoals Road and the eastern corner of the development site into Brighton Village and for the Keyston Drive/Flat Shoals Road intersection at the time of filing for development permits.
9. The development shall have a mandatory homeowners association that shall be

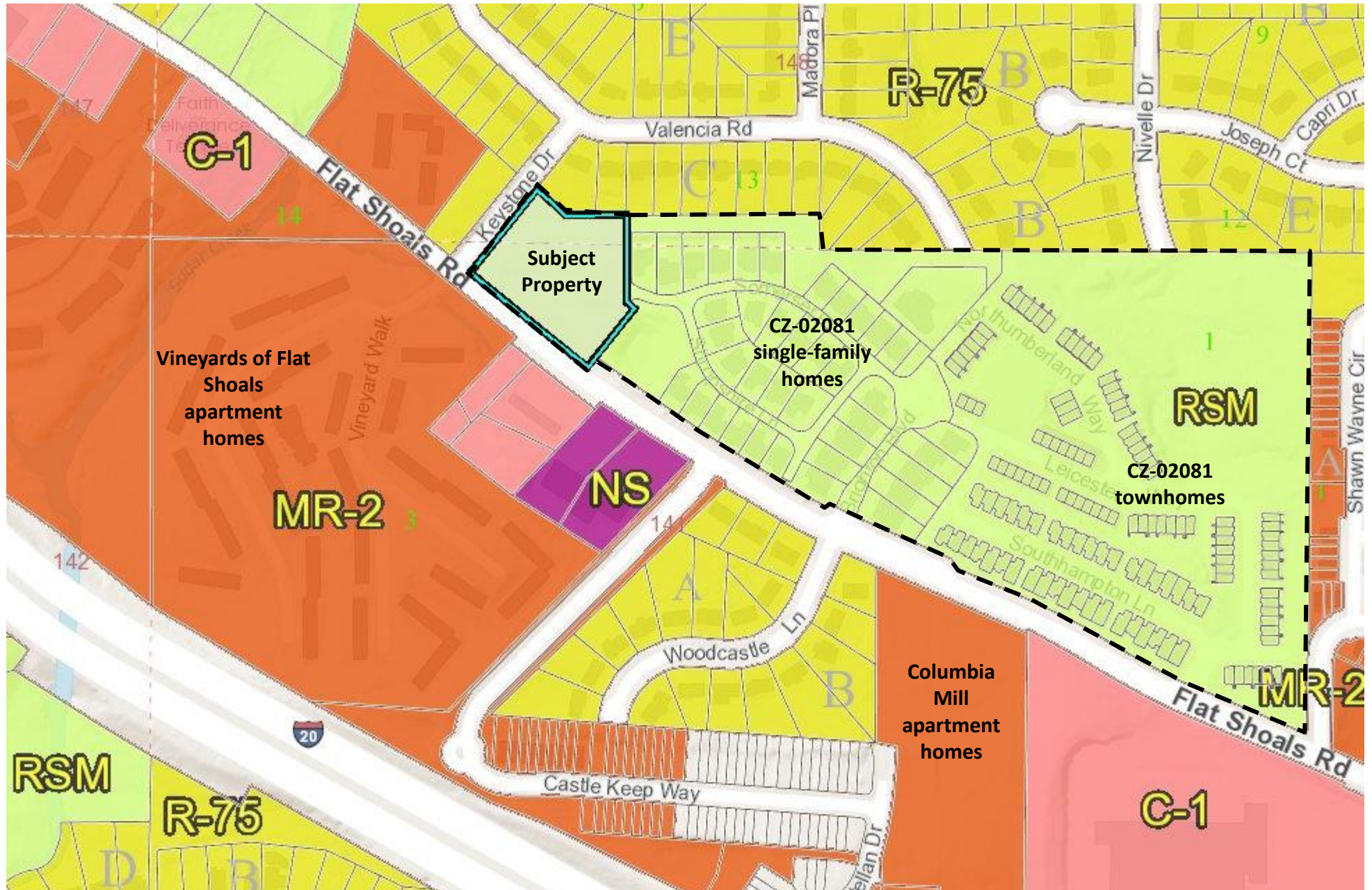
PROJECT SITE = 2.03 ACRES
PROJECT ADDRESS IS 2200 FLAT SHOALS ROAD
EXISTING ZONING = RSM (SMALL LOT RESIDENTIAL)
REZONING CASE #CZ-02081, FEBRUARY 11, 2003

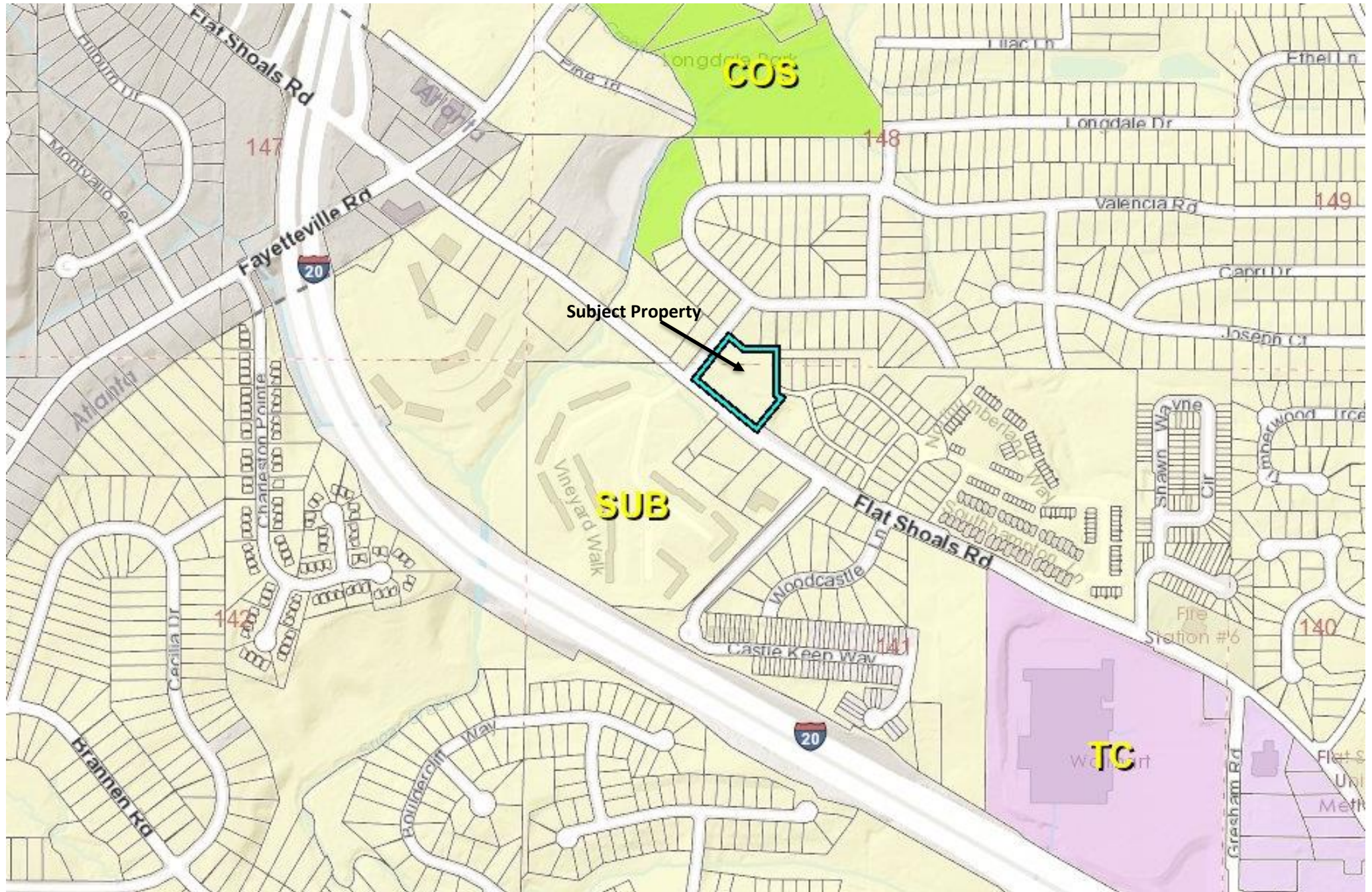
ORIGINAL 2013 DU/AC FOR 31.5 AC = 6.4 DU/AC
ORIGINAL 2013 DU/AC FOR PROJECT 2.03 AC = 45.76 DU/AC
(32 RESIDENTIAL UNITS)

PROPOSED 2019 DU/AC FOR 31.5 AC = 6.57 DU/AC
PROPOSED 2019 DU/AC FOR PROJECT 2.03 AC = 19.34 DU/AC

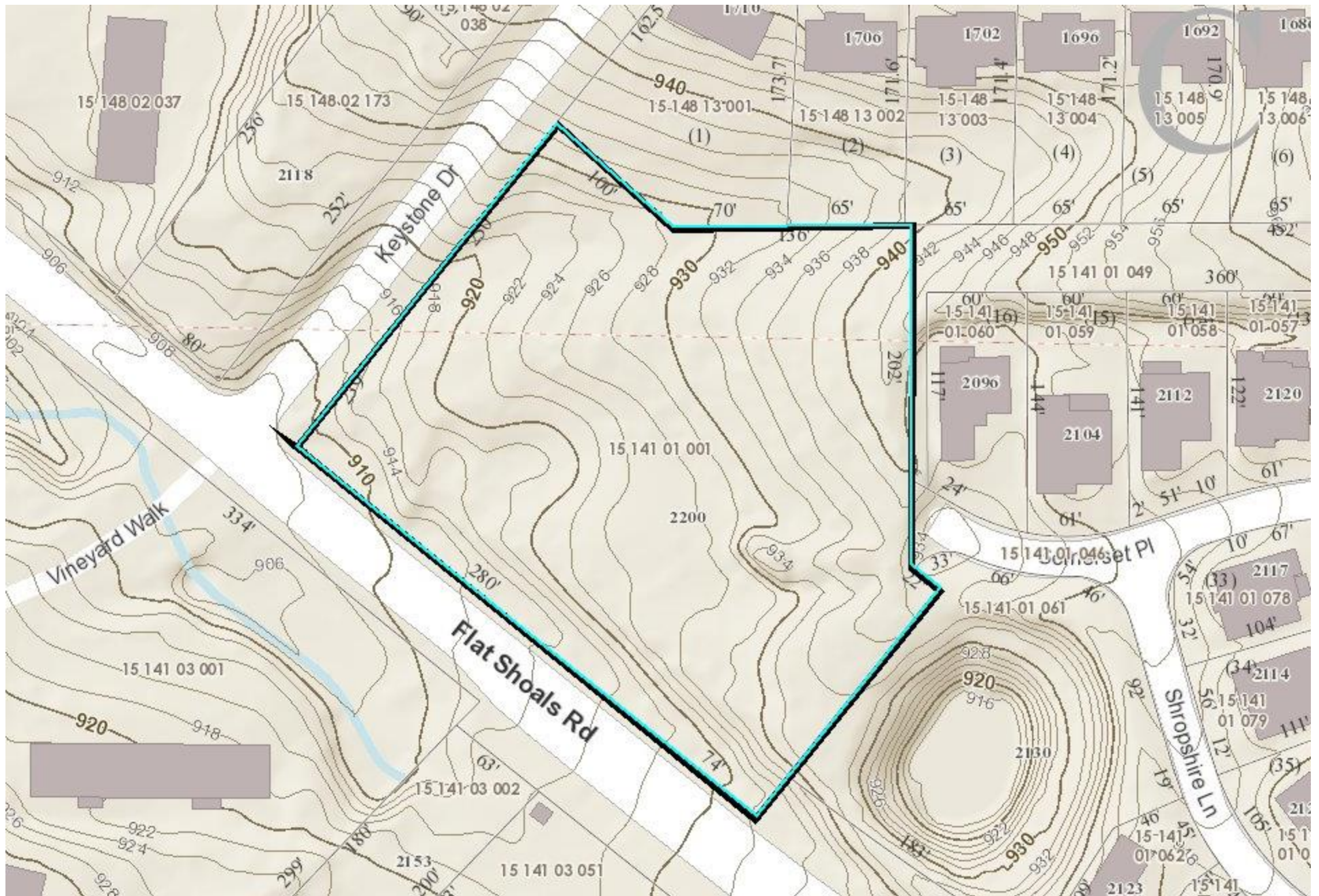
ZONED RSM
NO CONNECTION TO EXISTING PRIVATE ROADWAY IN BRIGHTON VILLAGE





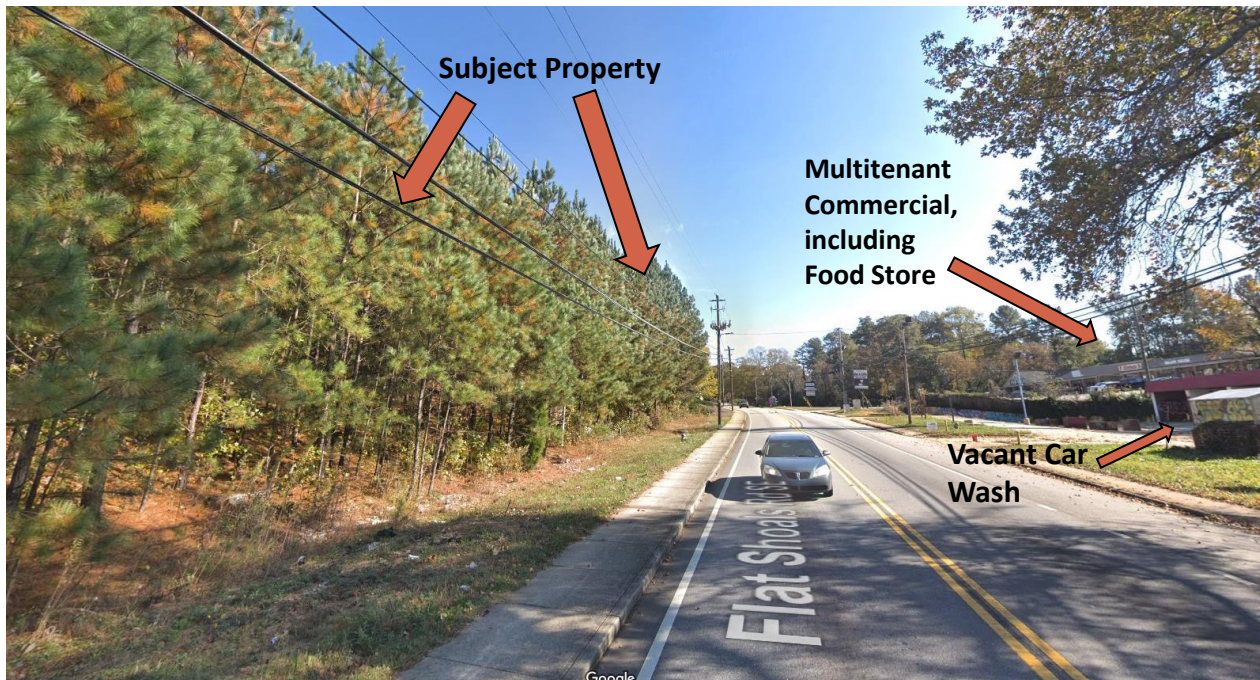








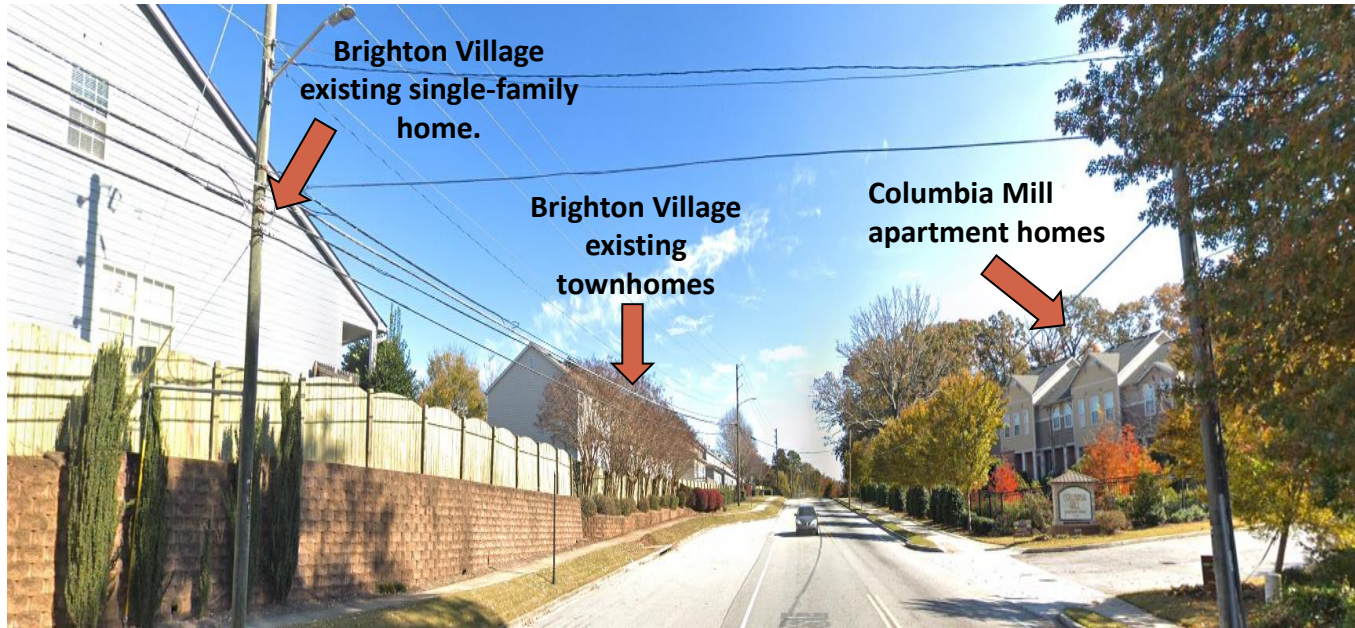
(left) Intersection of Flat Shoals Road and Keystone Drive.



(left) Flat Shoals Road, looking southeast.



Flat Shoals Road, looking northeast.



(left) Flat Shoals Road, looking southeast.





Entrance to Brighton Village existing townhomes at Leicester Way.

NOTE:
THE ONLY MATERIALS
PROPOSED FOR USE ON
BUILDING EXTERIORS TO
BE CEMENTOUS IN NATURE
INCLUDING BRICK, STONE
STUCCO AND HARDIPLANK





HARDIPLANK

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HARDIPLANK

STONE
OR
BRICK