

MARTA REZONING RECOMMENDED CONDITIONS

Z-22-1246828 (2024-0110)

4-25-2024

1. The development of the site shall be subject to the conditions contained herein, the requirements of the MU-4 (Mixed-Use High Density) Zoning District, the requirements of the Indian Creek and Covington Overlay District, and procedures contained in Section 2.22 of the *Zoning Ordinance*. To the extent possible, any future development shall comply with the TOD guidelines adopted by MARTA (See attached). In the event of a conflict between the TOD guidelines and the *DeKalb County Zoning Ordinance*, the requirements of the *DeKalb County Zoning Ordinance* shall prevail.
2. Prior to the submission of a Land Disturbance Permit (LDP) application, a Master Development Plan must be submitted and approved by DeKalb County Director of Planning and Sustainability. Following the submission of the Master Development Plan, it will be determined if a Development of Regional Impact (DRI) application is required. If a DRI is required, an application shall be submitted to the appropriate review authorities for the entire station area and a copy shall be provided to the Director of Planning and Sustainability. The developer or property owner will be responsible for all transportation improvements identified in Appendix A of the future GRTA Notice of Decision once submitted and approved, in addition to any improvements recommended by the County Transportation Division to mitigate the proposed development phase. Applicant is required to complete all items in the Atlanta Regional Commission's Attachment A in the Notice of Decision, once approved, in addition to requirements of the Zoning Code, Land Development Code and PW-Transportation Division. Durham Park Road is classified as a local road. However, a 10-foot multiuse path will be required along the frontage due to the direct multimodal connection to the MARTA station. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip between the back of curb and the 10-foot multiuse path. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). Coordination with the GDOT Major Mobility Investment Program (MMIP) I-285 Managed Lane Project is required. (Tim W. Matthews, State Express Lanes Administrator, TMatthews@dot.ga.gov or Xavier James at xjames@dot.goa.gov. MARTA is required to construct a multi-use path, at least 10 feet in width, through the property to connect Durham Park Road to Redan Road.
3. The minimum residential density shall be no less than 24 dwelling units per acre. As proposed in each development phase and Master Development Plan (indicated in Condition #2), nonresidential space will be constructed concurrently and proportionally with residential development. Each phase of development shall incorporate a minimum of 10% commercial, until there is a minimum of 20% of the total square footage of the project site developed with commercial uses. If 20% commercial is not provided per phase, a conceptual plan must be submitted showing how the overall project will meet the 20% commercial requirement. All phases of development will adhere to the principles set forth in the *DeKalb County 2050 Unified Plan* regarding the Indian Creek Town Center, where development intensity is greatest near the Indian Creek MARTA station and transitions down toward Redan Road to the south. Development will promote the highest intensity residential, commercial, and office facilities feasible at the time of implementation and help the station to serve as a regional destination.
4. Building materials shall comply with Article 5 of the *Zoning Ordinance*.
5. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.
6. Developer or property owner shall construct a connected street network with walkable blocks. Street blocks shall not have a face longer than 400 feet, as designated in the MARTA TOD Guidelines and the Indian Creek and Covington Overlay District, unless the block is directly adjacent to the station, includes a parking structure designated for MARTA patrons, and is no longer than 500 feet. No new streets shall be built within 225 feet of the station's south

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façade and from a plane extending east 175 feet from the southeast corner of the station. A “kiss and ride” street shall be built within 225 feet.

7. A pedestrian and bicycle multiuse trail shall be constructed to form a loop around the new development and have a minimum length of 3,500 feet. The multiuse trail shall connect to Durham Park Road via the MARTA pedestrian and bicycle bridge and extend a minimum of 1,150 feet south from the station’s south façade. A multiuse trail shall be constructed parallel to the Elder Lane right-of-way as a separated facility or as a protected facility within the Elder Lane right-of-way. The multiuse trail loop shall have a minimum width of 700 feet between Elder Lane and a point west of Elder Lane.
8. Developer or property owner shall provide at minimum one (1) single public open space (Park) for recreation and not less than 3 acres.
9. Developer or property owner shall provide a public plaza (Station Plaza) not less than 1.5 acres directly adjacent to the station’s west entrance. No streets shall traverse the Station Plaza except for a curb-less “kiss and ride”. Special or uniquely designed paving materials shall be used to define the Station Plaza spatially and aesthetically across its entire footprint.
10. Crosswalks shall be located at every intersection within the development and be enhanced with special paving material to clearly identify pedestrian zones.
11. A minimum of 75% of non-residential uses shall be located within 700’ of the station’s south façade.
12. A minimum of 80% of food and beverage uses shall be located within 500’ of the south façade. When possible, food and beverage uses shall have primary frontage oriented towards the Station Plaza. They shall be permitted on upper floors (“roof tops”) of any building.
13. When parking garages are adjacent to the Station Plaza:
 - a. Parking garage entrances for vehicles shall not face onto the Station Plaza;
 - b. Parking garage facades shall not be exposed to the Station Plaza. Instead, parking garage facades oriented towards the Station Plaza shall be wrapped with residential and/or non-residential uses for the full height of the parking garage. Parking garages shall not have more than 50% of facades exposed. Exposed parking garage facades shall not be oriented along primary street frontages, instead they should be oriented to internal roads. When possible, vehicular parking garage entrances shall not be located along primary street frontages instead they accessed from internal roads.
 - c. Any parking garage with a footprint of 50,000 sq. ft. or greater and of a height greater than 50 feet shall include a roof level accessible to the public and activated with recreation or other related community programming;
 - d. Exposed parking garage facades not lined with residential or non-residential uses shall include a decorative screen across the entirety of the exposed façade, except for garage entrances, and composed of reasonable architecturally-designed materials so the interior parking areas are obscured from view, presenting the appearance of a building from afar.; and
 - f. Parking garages shall comply with Section 6.1.9 regarding setbacks, height, orientation, and architectural features.
14. Bus transfer facilities located adjacent to the station shall not face directly onto Station Plaza. Bus transfer facilities located adjacent to the station shall not include bus entrance or exit points along Station Plaza frontage.

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15. Community facility uses, such as, but not limited to, community centers, shall be located adjacent to the Station Plaza or Park and within 500 feet of the station's south façade.
16. Overall stormwater management of the site must incorporate natural or green infrastructure features (e.g., rain garden, pervious pavers, bioswales, etc.).
17. Publicly accessible parking decks must have a parking management plan to efficiently utilize parking spaces.
18. Developer or property owner shall be responsible for installation of placemaking elements in streetscapes and/or public open spaces, including, but not limited to, public art, seating, signage, and communal space. Specific elements and proposed locations shall be identified during the land development permit process and an installation and activation schedule shall be provided by the developer and approved by the Planning Director.
19. Developer may reserve at least 20% of the total residential units on-site for workforce housing units (WHUs), defined as housing that is affordable to households earning between 60 percent and 120 percent of Area Median Income (AMI). WHUs shall have the same access to amenities and services within multi-family buildings as the market rate units. Subject to applicable laws, each multi-family building owner/operator shall establish a program to give a preference for rental of WHUs to individuals who work within the Project site.