



DeKalb County Department of Planning & Sustainability

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**Planning Commission Hearing Date: May 1 , 2018, 6:30 P.M.
Board of Commissioners Hearing Date: May 22, 2018, 6:30 P.M.**

STAFF ANALYSIS

Corrected 4/25/18

Case No.: CZ-18-22125 **Agenda #:** N. 5

Location/Address: 3458, 3468, and 3478 Mountain Drive **Commission District:** 4 **Super District:** 6

Parcel ID(s): 15-251-01-020, -027, & -028

Request: A Major Modification of conditions of zoning pursuant to CZ-15-19943, for a mixed commercial, multifamily residential, and single-family residential development in an MU-5 (Mixed Use-5) district. The requested Major Modification would allow changes to the mixture of uses to increase residential units from 106 to 271 units, decrease non-residential square footage from 199,200 square feet to 163,100 square feet, change the mixture of housing types from single-family detached, multifamily, and single-family attached townhomes to townhomes and live-work units, and change the layout of streets and buildings on the site plan.

Property Owner(s): Avondale Park, LLC

Applicant/Agent: Carlos Arenas/Avondale Park, LLC

Acreage: 9.32 acres

Existing Land Use: Undeveloped, wooded

Surrounding Properties: To the northwest, north, and northeast: the Oak Creek Apartment Homes; to the east: the DeKalb County Tax Commissioner’s Office; to the southeast: DeKalb County Juvenile Court; to the south and southwest: the Park Plaza office park; to the west: the Farrar Court single-family subdivision.

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

Comprehensive Plan: RC (Regional Center) **Consistent** **Inconsistent**

Proposed Density: 29 units/acre	Existing Density: N.A. (undeveloped)
Proposed Units/Square Ft.: 271 units/14,000 s.f. nonresidential floor area	Existing Units/Square Feet: N.A. (undeveloped)
Proposed Lot Coverage: Not applicable Proposed Open Space: 21%	Existing Lot Coverage: None (undeveloped)

Zoning History: In 2015, the Board of Commissioners approved a redevelopment proposal for the site, pursuant to CZ-15-19943, which consisted of 11 single-family lots, 35 townhome units, 60 multifamily residential units, 149,100 square feet of office space, and 35,700 square feet of retail space. The BOC approved conditions regarding the site plan, a buffer on the west side of the property, the landscape plan, light fixtures, runoff and sedimentation, stormwater management, open space, floor area of residential units, building form, and allowed uses. The conditions are included in the staff recommendation at the end of this report.

Because of its proximity to a MARTA station, the proposal was reviewed by the ARC as an “Area Plan” and was approved with no zoning conditions. A letter from MARTA dated May 20, 2016, states: “The pedestrian network along Mountain Drive to the station is poor. No sidewalks currently exist along Mountain Drive in front of the development. We urge the developer to work with the local jurisdiction, GDOT, and MARTA to improve the pedestrian connections to the station along Mountain Drive.” Similar conditions exist today, except that the current development proposal includes sidewalks along the front of the property. However, there appears to be no safe way for pedestrians to cross from the north side of Mountain Drive to the MARTA station entrance on the south side of Mountain Drive.

The 2015 proposal rezoned the property from C-1 (Local Commercial) to PC-3 (Pedestrian Community). PC-3 was converted to MU-5 when the zoning map was updated in September, 2015. The property acquired the C-1 classification in 1985 when the Board of Commissioners rezoned the property from R-75 with no conditions.

The applicant has requested the Major Modification to allow changes to the mixture of uses and housing types in the proposed development. In addition, the layout of streets and buildings has changed. According to the applicant, the 2015 site plan did not meet County street standards for fire truck turnaround radii.

<u>Current Proposal</u>	<u>2015 Proposal</u>
Residential Uses: (Total 271 units) 96 single-family attached townhomes 175 multifamily “live-work” units	Residential Uses: (Total 106 units) 35 single-family attached townhomes 60 multi-family units 11 single-family detached units
Non-residential Uses: Office – 84,000 s.f. Retail – 115,200 s.f.	Non-residential Uses: Office -- 149,100 s.f. Retail – 14,000 s.f.
Open Space: 21% 10% s.f. in parks All residential units w/in .25 mile from park	Open Space: 20.1% 7.65% in parks or square all residential units w/in .25 mile from park or square

PROJECT ANALYSIS

The subject property is a 9.32 acre site on the north side of Mountain Drive, a four-lane collector. The property is comprised of three parcels that appear to have once been developed with single-family homes. Although the properties are vacant, the remnants of three driveway entrances from Mountain Lane, and, on each parcel, an area without mature trees at locations approximately 150 feet from each front property line, indicate that homes were formerly located on the parcels. Beyond the cleared areas, the lots are densely wooded.

The property is located slightly less than a quarter of a mile northeast of the Kensington-Memorial Drive MARTA station. It is included in the 2035 Comprehensive Plan as part of the “Business Lifestyle Center Tier”, which suggests use for office space or office-related land uses. It was not included in the 2013 Kensington-Memorial Drive LCI Supplement (which followed a 2002 LCI study), but was shown to be adjacent to a mixed office and commercial center. Adjoining and surrounding land uses include the DeKalb County Tax Commissioner’s office to the east, the Park Plaza office park across Mountain Drive to the south, single-family residential developments to the west, and the Avondale Hills townhome development, under construction, to the west.

The modified proposal under consideration in this report consists of 96 single-family attached townhomes and a building with 175 multifamily units and 12,800 square feet of ground floor retail space. A one-acre park is located at the front third of the site. A retail building with approximately 1,200 square feet of floor area is located within the park. The multifamily and retail building is located towards the front of the site, with 63 surface parking spaces behind a street-fronting wing of the building. Vehicular access to the site is provided by two curb cuts on Mountain Drive. Interior vehicular circulation is provided by 22 – 24-foot wide alleys. All of the townhome units have front-loaded garages and 10-foot rear yards.

Access and Transportation Considerations

The Transportation Division of Public Works has commented that Mountain Drive has adequate capacity to absorb vehicular traffic that is expected to be generated by the proposed development. The Georgia Regional Transportation Authority (GRTA) approved the Area Plan Review for the 2015 mixed-use development, which included more office and commercial space, without transportation conditions. However, the County’s Transportation Division reviewed the 2015 proposal and recommended that two lanes be removed from Mountain Drive, as follows: “Provide the traffic study and the conceptual design for a road diet (road lanes reduced) on Mountain Drive to include the removal of two vehicular lanes and the addition of bicycle lanes and enhanced pedestrian crosswalks to the Kensington MARTA station based on CTP Project 6031 prior to the issuance of any land disturbance permits.” These or similar improvements are not included in the list of currently-funded SPLOST projects, which appears to be the only funding source for such projects at this time. The proposal for the development was submitted to the Transportation Division, which recommends that the developer extend a sidewalk along the front of the property to the stub of a sidewalk that ends approximately 70 feet east of the driveway to the Tax Commissioner’s building. From there, pedestrians may walk to the intersection of Mountain Drive and Memorial Drive and then on a sidewalk along the north side of Memorial Drive to the Kensington-Memorial MARTA station.

Building Size and Scale

The townhomes are proposed to be a maximum of 35 feet high. Ten-foot rear yards are proposed for the units between the back walls of the townhomes and the western property line. This distance is not adequate to buffer the properties on the other side of the property line, which are developed with single-family homes. Although most of the rear yards are wooded, two are cleared to the property line, and the owners have the option of clearing their yards at any time. To screen the townhomes, Staff recommends a combination evergreen landscape screen and opaque wall.

Staff has advised the developer that if any of the buildings are more than 30 feet high, the International Fire Code requires adjoining streets to have a paved width of at least 26 feet. Because the alleys are 22-24 feet wide, some modifications to the site plan might be necessary when the plan is reviewed by Fire Department staff for the land development permit.

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:

The property is located within a Regional Center activity center, which allows up to 120 dwelling units per acre. The proposal is consistent with the following Regional Center policies of the 2035 Comprehensive Plan: "Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services." (No. 5) and "Each Regional Center shall include a very high density mix of retail, office, services, and employment opportunities to serve several neighborhoods." (No. 21)

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 zoning proposal will permit development of a mixed-use project that is suitable with land uses on adjacent and nearby properties.

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

It appears that the property does not have reasonable economic use as conditioned on the 2015 site plan to the extent that the 2015 site plan does not meet road width standards and cannot, therefore, be developed.

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

Staff has recommended that the townhomes along the west property line be limited to no more than 35 feet in height, and that a screening wall be provided along the west property line. If developed in accordance with these recommendations, the proposal is not expected to adversely affect the use or usability of the single-family properties that adjoin the west property line of the subject site.

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

The proposal is consistent with the 2013 Kensington Livable Centers Initiative (LCI) Study, which calls for mixed use development near the Kensington-Memorial MARTA station. The residential component of the development is expected to increase the number of MARTA riders, thereby supporting the MARTA rapid transit system.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

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:

Comments by the Transportation Division in 2015 and, more recently, by the Traffic Engineering Division, indicate that the surrounding street system will not be excessively burdened by traffic that would be generated by the proposed development. The DeKalb County School Board has commented that there is

adequate capacity in the designated high, middle, and elementary schools to accommodate new students who are expected to live in the development.

- H. **Whether the zoning proposal adversely impacts the environment or surrounding natural resources:**The 2035 Comprehensive Plan identifies shrinking green spaces due to development as a continuing trend. It contains a goal to “Preserve trees and other natural resources to protect the environment.” (Natural Resource Policy No. 4) The tree ordinance allows the replacement of 8-inch or larger trees with 4-inch trees, and allows the arborist to determine the number of replacement trees as “the maximum number of trees that can be sustained on the parcel less the impervious area on the parcel.” (14-39(m)) As a heavily wooded site, the project offers an opportunity to exceed minimum standards. Therefore, Staff is working with the applicant to craft conditions that maintain the environmental and health benefits that result from preservation of the tree canopy.

Compliance with District Standards:

MU-5 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 40 d.u.s/acre; w/bonuses: 60 d.u.s/ac.	29 units/acre	Yes
MIN. STREET FRONTAGE	50	358	Yes
OVERALL SITE SETBACK	Rear: Min. 10 ft.	10 ft.	Yes
MIN. OPEN SPACE <i>(corrected)</i>	10% of total parcel acreage All residential units w/in .25 mile from park	21% All units w/in 305 ft. from park or closer	Yes Yes
MIN. TRANSITIONAL BUFFER	50 ft. with fence	10 feet	A variance will be necessary.
MIX OF USES (SQUARE FOOTAGE OF BUILDING(S))	Min. 20% non-residential	41.25% non-residential	Yes
MIN. LOT AREA, WIDTH, LOT COVERAGE	Not applicable to proposed fee-simple townhomes.	Not applicable	Not applicable
BUILDING SEPARATION	As per Fire Code	Side-to-side: 25 ft. Rear-to-rear: 20 ft. Front-to-front: 60 ft.	Will be determined during review of building permit application
MINIMUM UNIT SIZE	S-F attached: 850 s.f. M-F: 1 brm. – 500 s.f.; 2 brm. – 650 s.f.; 3-brm. – 800 s.f.	S-F attached: 850 s.f. M-F: 1 brm. – 500 s.f.; 2 brm.— 650 s.f.; 3-brm. – 800 s.f.	Yes
MAX. BLDG. HEIGHT w/out bonuses)	Mixed use, non-residential: 8 stories or 100 ft., whichever is less S-F Attached: max. 35 ft.	Mixed use: max. 8 stories S-F Attached: max. 35 ft.	Yes

MU-5 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
TRANS'L HEIGHT PLANE	Applicable if subject property adjoins an "R" district such as the R-75 district to the west.	Information not provided.	Information not provided; however, limitation of the height to no more than 35 feet will enable compliance.
PARKING	<p>Retail – min. 1/500 sf. = 28; max. 1/200 s.f. = 70</p> <p>Multifamily residential – min. 1.5/d.u. = 263; max. 3/d.u. = 525</p> <p>Combined retail and m-f residential parking : min. 291; max. 595</p> <p>S-F Attached: min. 1.25 = 120 spaces; max. 3.25 = 312 spaces</p> <p>Bicycle parking: 1 space/20 vehicular parking spaces = 24 spaces</p>	<p>Combined retail and m-f residential parking = 291</p> <p>S-F Attached: 2 spaces/unit = 192 spaces</p> <p>No information provided re: bicycle parking</p>	<p>Yes</p> <p>Yes</p> <p>Bicycle parking must be provided or a variance must be granted.</p>
TREE ISLANDS IN PARKING LOT	One island for every 10 parking spaces – one island required in surface parking lot	Not provided	Administrative approval of the Master Plan will be required.
PERIMETER LANDSCAPE STRIP (Sec. 5.4.4(C))	Min. 5 ft. wide; required along north property line	Provided	Yes
ACCESS POINTS (<i>corrected</i>)	3 access points	Two access points	A waiver from the requirements of Chapter 14 will be required.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The proposal is consistent with the following Regional Center policies of the 2035 Comprehensive Plan: "Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services." (No. 5) and "Each Regional Center shall include a very high density mix of retail, office, services, and employment opportunities to serve several neighborhoods." (No. 21) The proposal is consistent with the 2013 Kensington Livable Centers Initiative (LCI) Study, which calls for mixed use development near the Kensington-Memorial MARTA station. The residential component of the development is expected to increase the number of MARTA riders, thereby supporting the MARTA rapid transit system. Comments by the Transportation Division in 2015 and, more recently, by the Traffic Engineering Division, indicate that the surrounding street system will not be

excessively burdened by traffic that would be generated by the proposed development. The DeKalb County School Board has commented that there is adequate capacity in the designated high, middle, and elementary schools to accommodate new students who are expected to live in the development. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following conditions. The conditions have been revised to be relevant to the modified site plan and to eliminate redundancy or reiteration of established procedures of the Department of Planning & Sustainability.

1. The ~~9.32 acres tract (the "Project Site")-project site~~ shall be developed in general conformity with the location of streets, land uses and buildings as shown on the ~~conceptual site~~ plan "Proposed Development at Avondale Park", prepared by Proterra Development LLC, dated Sept. 13, 2017. A screen shall be installed along the entire length of the west property line, which shall consist of 1) an opaque fence with the finished side facing outwards and with a height of a minimum of six feet and 2) sufficient numbers of the following trees to provide a solid screen at maturity: arbor vitae, cryptomeria, or giant arbor vitae. The latter shall be added to existing trees where existing trees help provide a screen. The 10-foot wide strip within which the screen shall be established shall not be disturbed except where necessary to remove bamboo or other invasive plants. ~~attached Exhibit A as Buildings A, A1, B, C, D, & E and entitled Avondale Park and dated November 13, 2015. Provide a transitional buffer between zero and twenty five feet wide between the alley of the proposed townhomes and the western property line (abutting the Farrar Court single-family subdivision) as shown on the conceptual plan. Existing trees within the transitional buffer shall be preserved and supplemented with new trees to form an effective visual screen as approved by the County Arborist prior to the issuance of any Land Disturbance Permits. The buffer along the western property line from townhouse 18 to the southeast corner of parcel 15-251-01-016 shall be an undisturbed buffer of at least 25 feet and shall not be graded. The only exception for grading in this undisturbed buffer shall be to remove bamboo which is spreading eastward from one lot on Farrar Court. Invasive species may be removed from the buffer and additional plantings can be added to form a visual screen. Where invasive species [are] removed from the buffer, special consideration shall be given to prevent erosion and sedimentation during construction. An 8 foot tall opaque wooden fence shall be installed along the north and west property line.~~
2. The landscape plan will be in substantial compliance to Exhibit E Avondale Park. Preferred trees for streetscaping within the development are white oak, shumard red oak, southern red oak, or northern red oak. ~~Trees planted for recompense of removed trees shall be planted within the buffer, the preferred trees are one of or a combination of white oak, shumard red oak, southern red oak, or northern red oak. These are also the preferred trees for street trees within the development. The final landscaping plan shall be approved by the County arborist and [shall] take into consideration the recompense required under the tree ordinance. Within the development street trees may be planted off the right-of-way if they would otherwise interfere with buried utilities. Recompense should take place within the immediate vicinity of the development along Mountain Drive or along Farrar Court.~~
3. ~~Comply with Sketch Plan requirements for subdivision prior to the issuance of a Land Disturbance Permit.~~
4. An outdoor lighting plan shall be submitted, reviewed, and approved by the Planning and Sustainability Department for compliance to the regulations of Section 27-5.6.1 of the County Code prior to the issuance of any building permits. The residential fixtures will be the "Savannah" lamp. ~~Lighting shall be established such that no direct light is cast upon or adversely affects adjacent properties and roadways. Light fixtures shall limit direct rays onto adjacent residential properties. All lighting fixtures (luminaries) shall be cutoff luminaries whose source is completely concealed with an opaque housing. Fixtures shall be recessed in the opaque housing. Drop dish refractors are prohibited. Approval of the lighting fixtures will be subject to review by the Planning and Sustainability Department.~~
5. During construction, the Developer shall post a contact phone number that nearby residents can call to discuss development and construction issues. The developer shall use temporary Best Management

~~Practices (BMPs) for run-off and temporary sedimentation storage in compliance with Section 14.38 (Soil Erosion and Sediment Control) subject to approval of the Land Development Division of the Planning and Sustainability Department.~~ If the Land Development Division determines that the property owners of Farrar Court (in particular those who will not have the benefit of an undisturbed buffer) are susceptible to damage from erosion, the Department may require, at a minimum, additional row(s) of silt fencing and bales of straw to protect the adjacent properties.

~~6. Provide compliance with Section 14-40 and Section 14-42 of the DeKalb County Code regarding storm water management and water quality control as approved by. [incomplete]~~

~~7.6. A minimum of 20% open space shall be provided. A minimum of 7.6% of the open space shall be provided in pedestrian usable parks or squares. Open space and park space shall be as shown on the site plan cited in Condition No. 1.~~

~~8.7.~~ The townhomes shall have a minimum floor area of 1,200 square feet.

~~9.8.~~ All residential buildings shall be designed to have a pitched roof.

~~10.9.~~ The building materials shall be those listed in Exhibit B Construction Details. The building elevations shall [be substantially similar to those depicted in] Exhibit C and Exhibit D. ~~The rear elevations of the stacked flats and the commercial buildings shall be similar to the front facades and [shall be] comprised of similar materials. The facades of the parking decks shall be consistent with the remainder of the building and [shall] use the same buildings materials.~~ The side elevations of all residential buildings shall ~~not be solid, and will~~ shall have windows and architectural detailing as required in Section 27-5.6(l)(1) of the County Code.

~~11.10.~~ Commercial uses [shall be] limited to [those permitted in the] NS (Neighborhood Shopping) uses. The following uses are prohibited within the Project Site:

- a. Animal hospital, veterinary clinic, or boarding or breeding kennels
- b. Convent or monastery
- c. Private elementary, middle, or high school
- d. Hotel, motel, extended stay hotel/motel, or boarding or rooming house
- e. Movie theater or bowling alley
- f. Farm or garden supply store
- g. Liquor store, including retail liquor store as accessory use to hotels, motels and high rise office building
- h. Adult entertainment establishment or adult service facility
- i. Nightclubs or late-night establishments
- j. Coin-operated laundry or dry-cleaning store (specifically excluding dry-cleaning pressing establishments or pick-up stations and coin-operated laundry facilities within the interior of any multi-family apartment building)
- k. Home appliance repair or service establishment
- l. Special events facility
- m. Drive-through facility (other than dry-cleaning pick-up station)
- n. Pawn shop
- o. Check cashing establishment
- p. Place of worship
- q. Convenience store
- r. Gas station

~~11. Maximum building height of Buildings D and E shall be three stories. Maximum building heights of Buildings B and C shall be eight stories. Maximum building height of Building A shall be two stories, and maximum building height of Building A1 shall be one story. Locations of Buildings A, A1, B, C, D, and E shall be in~~

~~general compliance with the locations shown on the concept plan Exhibit A entitled "Avondale Park and dated 11/13/15. The only deviation of these building locations pertains to Building A, which can be shifted to more closely align to the curve of Mountain Drive. The townhomes along the west side of the site shall be no more than 35 feet high.~~

12. Subject to Georgia Department of Transportation approval, the developer shall provide ~~and maintain~~ a 6-foot wide sidewalk and a 10-foot wide landscape strip within the Mountain Drive right-of-way prior to the issuance of any certificates of occupancy. Within the landscape strip, the developer shall provide a minimum of one street tree for every 50 feet of street frontage along Mountain Drive or as approved by the County Arborist so long as there are a minimum of seven trees.
13. Refuse areas shall be screened from public streets and shall be fenced or screened with a combination of material[s] and colors to match building materials of primary buildings.
14. Recycle collection bins shall be provided for the ~~tenants residing in the townhome and multifamily buildings~~ residents.
15. ~~Limit access to two access points on Mountain Drive. Locations of curb cuts is subject to GDOT permits. Written confirmation of approval from Georgia Department of Transportation (GDOT) and the Transportation Division of Public Works is required prior to the issuance of any Land Disturbance Permits. No direct vehicular access shall be permitted from the subject property to Farrar Court.~~
- ~~16. Provide the traffic study and the conceptual design on Mountain Drive from Covington Highway to Memorial Drive to include the removal of two vehicular lanes and the addition of bicycle lanes and enhanced pedestrian crosswalks across Mountain Drive to reach the subject property, Farrar Court and the Kensington MARTA station based on CTP Project 6031 prior to the issuance of an Land Disturbance Permits subject to approval of the Georgia Department of Transportation and the Transportation Division of Public Works. [Note: Traffic study was completed.]~~
- ~~17.16.~~ Secure bicycle storage lockers shall be provided within the parking deck of the stacked flat multi-family residential buildings. ~~The space shall be sufficient~~ for a minimum of 20 bikes.
- ~~18.17.~~ No more than two one ground signs shall be permitted on the ~~along~~ Mountain Drive frontage shall be permitted. The ground sign shall be a ~~and they will be~~ monument style signs with a base and framework made of brick or stone and a maximum height of 6 feet.
- ~~19.18.~~ ~~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 Historic Preservation Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.~~
- ~~20.19.~~ A sidewalk shall be extended from the east property line of the subject property to the sidewalk stub located approximately 70 feet from the eastern edge of the driveway into the Tax Commissioner's office.
- ~~21.20.~~ In order to save as many significant trees as possible, utilities shall be installed by tunneling under tree roots, subject to approval or waiver by the County Arborist.

For recommended conditions without redlining, see the next page.

RECOMMENDED CONDITIONS

1. The project site shall be developed in general conformity with the location of streets, land uses and buildings as shown on the site plan "Proposed Development at Avondale Park", prepared by Proterra Development LLC, dated Sept. 13, 2017. A screen shall be installed along the entire length of the west property line, which shall consist of 1) an opaque fence with the finished side facing outwards and with a height of a minimum of six feet and 2) sufficient numbers of the following trees to provide a solid screen at maturity: arbor vitae, cryptomeria, or giant arbor vitae. The latter shall be added to existing trees where existing trees help provide a screen. The 10-foot wide strip within which the screen shall be established shall not be disturbed except where necessary to remove bamboo or other invasive plants.
2. The landscape plan will be in substantial compliance to Exhibit E Avondale Park. Preferred trees for streetscaping within the development are white oak, shumard red oak, southern red oak, or northern red oak. Trees planted for recompense of removed trees shall be planted within the immediate vicinity of the development along Mountain Drive or along Farrar Court.
3. An outdoor lighting plan shall be submitted, reviewed, and approved by the Planning and Sustainability Department for compliance to the regulations of Section 27-5.6.1 of the County Code prior to the issuance of any building permits. The residential fixtures will be the "Savannah" lamp. Drop dish refractors are prohibited.
4. During construction, the Developer shall post a contact phone number that nearby residents can call to discuss development and construction issues. If the Land Development Division determines that the property owners of Farrar Court (in particular those who will not have the benefit of an undisturbed buffer) are susceptible to damage from erosion, the Department may require, at a minimum, additional row(s) of silt fencing and bales of straw to protect the adjacent properties.
5. Open space and park space shall be as shown on the site plan cited in Condition No. 1.
6. The townhomes shall have a minimum floor area of 1,200 square feet.
7. All residential buildings shall be designed to have a pitched roof.
8. The building materials shall be those listed in Exhibit B Construction Details. The building elevations shall [be substantially similar to those depicted in] Exhibit C and Exhibit D. The side elevations of all residential buildings shall have windows and architectural detailing as required in Section 27-5.6(1)(1) of the County Code.
9. Commercial uses [shall be] limited to [those permitted in the] NS (Neighborhood Shopping) uses. The following uses are prohibited within the Project Site:
 - a. Animal hospital, veterinary clinic, or boarding or breeding kennels
 - b. Convent or monastery
 - c. Private elementary, middle, or high school
 - d. Hotel, motel, extended stay hotel/motel, or boarding or rooming house
 - e. Movie theater or bowling alley
 - f. Farm or garden supply store
 - g. Liquor store, including retail liquor store as accessory use to hotels, motels and high rise office building
 - h. Adult entertainment establishment or adult service facility
 - i. Nightclubs or late-night establishments

- j. Coin-operated laundry or dry-cleaning store (specifically excluding dry-cleaning pressing establishments or pick-up stations and coin-operated laundry facilities within the interior of any multi-family apartment building)
 - k. Home appliance repair or service establishment
 - l. Special events facility
 - m. Drive-through facility (other than dry-cleaning pick-up station)
 - n. Pawn shop
 - o. Check cashing establishment
 - p. Place of worship
 - q. Convenience store
 - r. Gas station
10. Maximum building height of Building B shall be eight stories. The townhomes along the west side of the site shall be no more than 35 feet high.
 11. Subject to Georgia Department of Transportation approval, the developer shall provide a 6-foot wide sidewalk and a 10-foot wide landscape strip within the Mountain Drive right-of-way prior to the issuance of any certificates of occupancy. Within the landscape strip, the developer shall provide a minimum of one street tree for every 50 feet of street frontage along Mountain Drive or as approved by the County Arborist so long as there are a minimum of seven trees.
 12. Refuse areas shall be screened from public streets and shall be fenced or screened with a combination of material[s] and colors to match building materials of primary buildings.
 13. Recycle collection bins shall be provided for the residents.
 14. No direct vehicular access shall be permitted from the subject property to Farrar Court.
 15. Secure bicycle storage lockers shall be provided within the parking deck of the multi-family building for a minimum of 20 bikes.
 16. No more than one ground sign shall be permitted on the Mountain Drive frontage. The ground sign shall be a monument style sign with a base and framework made of brick or stone and a maximum height of 6 feet.
 17. A sidewalk shall be extended from the east property line of the subject property to the sidewalk stub located approximately 70 feet from the eastern edge of the driveway into the Tax Commissioner's office.
 18. In order to save as many significant trees as possible, utilities shall be installed by tunneling under tree roots, subject to approval by the County Arborist.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Maps
7. Photographs

NEXT STEPS

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

- ① • **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.)*
- ① • **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.)*
- ① • **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.)*
- ① • **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.