



DeKalb County Government

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

Agenda Item

File ID: 2018-2165

Substitute

8/28/2018

Public Hearing: YES NO Department: Planning and Sustainability

SUBJECT:

Commission District(s): 4 & 6

Major Modification – CZ-18-22314 -- Century Communities of GA

Information Contact: Marian Eisenberg

Phone Number: (404) 371-2155

PURPOSE:

A Major Modification of four conditions of CZ-15-19762, which conditionally rezoned property to MU-5 (Mixed Use - 5), to change the conditions regarding alleys, building materials, fencing, and building height. The property is located on the north side of Mountain Drive, approximately 302 feet west of Farrar Court, at 3360 Mountain Drive, Decatur. The property has approximately 769 feet of frontage on Mountain Drive and contains 30.5 acres.

NEED/IMPACT:

Not applicable.

FISCAL IMPACT:

Not applicable.

RECOMMENDATIONS:

The requested modifications would not change the development to the extent that it would become inconsistent with the policies of the Comprehensive Plan. The modifications would not alter the impact of the development on adjacent or nearby residential properties. By preserving the bank of the stream that runs through the site, the modification that would eliminate the requirement for the alley behind the homes on the west side of the development site would help preserve water quality in the stream. The requested modifications would not change the number of residential units nor the amount of non-residential space, and would thus have no effect on demand placed on the public infrastructure or school system by the development. Therefore, the Department of Planning and Sustainability recommends "Approval" of the requested modifications, with conditions.

RECOMMENDED CONDITIONS

CZ-18-22314

Major Modification of Zoning Conditions of CZ-15-19762

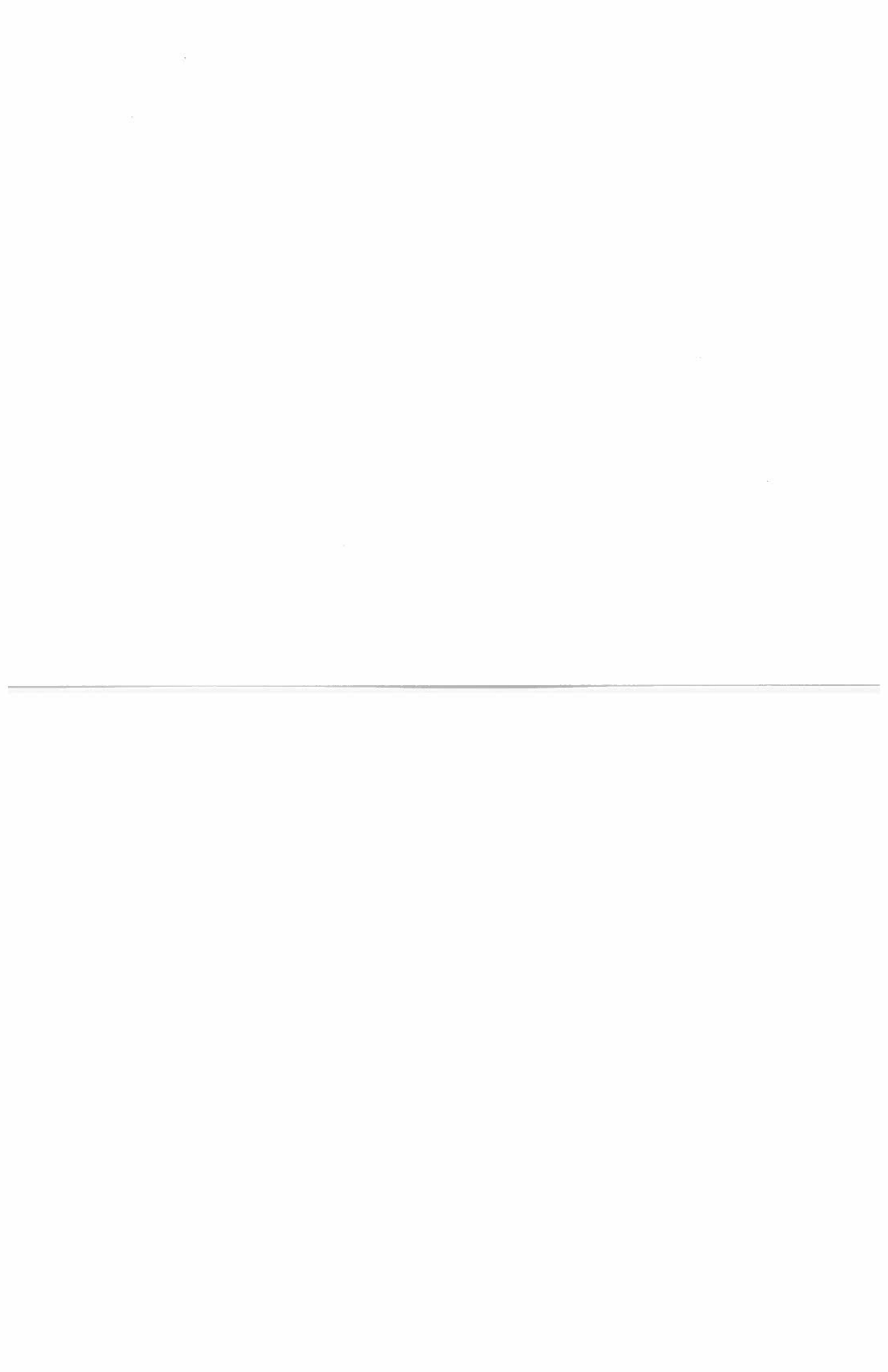
1. The 30.5 acre tract (the "Project Site") shall be developed in substantial conformity with the conceptual plan entitled Avondale Hills/DR1 #2483 and stamped received by the Department of Planning and Sustainability on 4/20/2015, as modified in accordance with the site plan dated May 2, 2018 which removes the alley behind townhomes T-1 through T-14 and T-54 through T-69 as identified on the previously approved site plan but leaves the commercial portion of the development unchanged.
2. The site shall be developed in substantial conformity to the conceptual elevations entitled Avondale Hills Neighborhood Development and stamped received by the Planning and Sustainability Department on 3/10/2015.
3. Number of units not to exceed 522 total residential units, including 26 single-family detached and attached units in Phase I.
4. Commercial development in the mixed-use component shall provide a minimum of 54,990 square feet.
5. A minimum of 25% open space shall be provided. A minimum of 5% of the open space shall be provided in parks or squares. A multi-use trail shall be provided and maintained as shown on the conceptual plan. The multi-use trail for each phase of development must be completed prior to the issuance of any certificates of occupancy for residential units in the same phase of development.
6. The single-family attached townhomes shall have a minimum floor area of 1,200 square feet.
7. Commercial uses are only allowed as part of a mixed-use residential/commercial building. Commercial uses limited to NS (Neighborhood Shopping) uses. The following uses are prohibited within the Project Site:
 - a. Animal hospital, veterinary clinic, boarding kennel or breeding kennel.
 - b. Convent or monastery.
 - c. Private elementary, middle, or high school
 - d. Hotel, motel, extended stay hotel/motel, boarding house, or rooming house.
 - e. Movie theater or bowling alley.
 - f. Farm and garden supply store.
 - g. Liquor store, including retail liquor store as accessory use to hotels, motels or high rise office buildings.
 - h. Adult entertainment establishments or adult service facilities.
 - i. Nightclub or late night establishment.
 - j. Coin-operated laundry or dry cleaning store (specifically excluding dry-cleaning pressing establishment or pick-up station and coin-operated laundry facilities within the interior of a multi-family apartment building).
 - k. Home appliance repair or service.
 - l. Special events facilities.

- m. Drive-through facility (other than dry cleaning pick-up station).
 - n. Pawn shop.
 - o. Check cashing establishment.
8. Maximum building height of the parking deck and mixed-use buildings shall be 80 feet.
9. The front facades of all principal residential and non-residential structures shall be oriented to a public street and sidewalk. A minimum of 60% of the front facade of the townhome buildings shall contain doors, porches, balconies, or windows. Single-family detached structures with a front facade width of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the front facade plane. Wall offsets shall have a minimum depth of two feet so that no single wall plane exceeds 25 feet in width.
10. Non-residential structures shall use doorways, windows, and other openings in the facade of the building to break up the mass of each building. Non-residential structures shall provide fenestration for a minimum of seventy-five (75) percent of the length of the building frontage along the sidewalk, beginning at a point not more than three (3) feet above the public sidewalk and for a height not less than ten (10) feet above the sidewalk. Non-residential structures shall not exceed a maximum continuous length of ten (10) feet of facade without fenestration.
11. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
12. Continuous streetscape zones shall be constructed along all internal streets, including the installation of sidewalks, landscape strips, street trees, and pedestrian scale lights, in accordance with the applicable zoning district regulations.
13. Subject to Georgia Department of Transportation approval, 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, provide a minimum of one street tree for every 50 feet of street frontage along Mountain Drive or as approved by the County Arborist.
14. Refuse areas shall be screened from public streets and shall be fenced or screened with a combination of material and colors to match building materials of primary building.
15. Proposed streets shall comply with Section 14-190 of the Land Development Regulations regarding right-of-way width.
16. Limit access to two entry/exits on Mountain Drive. Number and location of curb cuts to be determined by GDOT and 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.
17. Provide the traffic study and the conceptual design for a road diet 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 to the Kensington MARTA Station based on CTP Project 6031 prior to the issuance of any Land Disturbance Permits. Subject to GDOT approval, provide funding and/or construction of crosswalk(s) across Mountain Drive to the Kensington MARTA Station.

18. All residential buildings shall provide a pitched roof. Flat top roofs are prohibited for residential buildings; however portions of the roof for multi-family residential buildings are allowed to accommodate accessory equipment.
19. Underground detention shall be required except for the detention shown in the single-family portion of the plan in the northeast corner of the site, unless otherwise required by the Development Division of the Planning and Sustainability Department.
20. 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.
21. Recycle collection bins shall be provided for the tenants residing in the multi-family buildings.
22. Secure bicycle storage lockers shall be provided within the parking deck. The space shall be sufficient for a minimum of 32 bikes or 10% of the multi-family units in the mixed-use residential/commercial building, whichever is greater.
23. Pet refuse stations shall be placed near the multi-family structure and along the trail.
24. The detention pond shall be designed as a "micro pool" as defined in the Georgia Stormwater Manual, a planted pond using similar water quality techniques, or an underground detention facility. The detention pond will either not be fenced, or if fenced it will use a wooden four rail (see through) horse-type fence.
25. Roof mounted mechanical equipment and appurtenances shall be located or screened so that they are not visible from the immediately adjacent ground level. Roof mounted HVAC equipment on the commercial and three-story multi-family buildings shall have screening materials and shall be compatible with the surrounding building materials and architectural design.
26. Two freestanding monument signs shall be permitted on Mountain Drive: one shall be eight (8) feet tall and one shall be six (6) feet tall. Signs for the single family and townhouse residential components may be incorporated into entry walls near Mountain Drive. Other wall mounted signs shall conform to DeKalb code.
27. The development plan must add an amenities package (i.e., a clubhouse and pool) for the benefit of community residents. Example: The existing basketball court can be repurposed for a different use on the property site.

28. S-F attached townhomes must have parking in the rear of the building with two-car garages, with the exception of townhomes T-1 through T-14 and T-54 through T-69. S-F attached townhomes must have a minimum floor area of 1,800 square feet.
29. The applicant agrees to prohibit discount general merchandising stores to operate within the project site.
30. The building materials of all facades -- residential (townhomes and S-F detached) and principal nonresidential structures -- shall consist of non-reflective glass, glass block, natural stone, textured face concrete block, architectural concrete, brick, terra cotta, or stucco. No vinyl siding. Fiber cement lap siding shall also be an allowed façade material for townhomes and single-family detached structures.
31. Notwithstanding anything in any other condition or the original site plan, the maximum number of stories of the residential townhomes shall be three stories, at a maximum height of 40 feet.



RECOMMENDED CONDITIONS

CZ-18-22314

Major Modification of Zoning Conditions of CZ-15-19762

1. The 30.5 acre tract (the "Project Site") shall be developed in ~~general~~ substantial conformity with the ~~beaten-of-land-uses shown on~~ the conceptual plan entitled Avondale Hills/DR1 #2483 and stamped received by the Department of Planning and Sustainability on 4/20/2015, as modified in accordance with the site plan dated May 2, 2018 which removes the alley behind townhomes T-1 through T-14 and T-54 through T-69 as identified on the previously approved site plan but leaves the commercial portion of the development unchanged.
2. The site shall be developed in substantial conformity ~~to~~ the conceptual elevations entitled Avondale Hills Neighborhood Development and stamped received by the Planning and Sustainability Department on 3/10/2015.
3. Number of units not to exceed 522 total residential units, including 26 single-family detached and attached units in Phase I, 90 single-family detached and attached units in Phase II, and 408 multifamily units.
4. Commercial development in the mixed-use component shall provide a minimum of 54,990 square feet.
5. A minimum of 25% open space shall be provided. A minimum of 5% of the open space shall be provided in parks or squares. A multi-use trail shall be provided and maintained as shown on the conceptual plan. The multi-use trail for each phase of development must be completed prior to the issuance of any certificates of occupancy for residential units in the same phase of development.
6. The single-family attached townhomes shall have a minimum floor area of 1,200 square feet.
7. Commercial uses are only allowed as part of a mixed-use residential/commercial building. Commercial uses limited to NS (Neighborhood Shopping) uses. The following uses are prohibited within the Project Site:
 - a. Animal hospital, veterinary clinic, boarding kennel or breeding kennel.
 - b. Convent or monastery.
 - c. Private elementary, middle, or high school
 - d. Hotel, motel, extended stay hotel/motel, boarding house, or rooming house.
 - e. Movie theater or bowling alley.
 - f. Farm and garden supply store.
 - g. Liquor store, including retail liquor store as accessory use to hotels, motels or high rise office buildings.
 - h. Adult entertainment establishments or adult service facilities.
 - i. Nightclub or late night establishment.
 - j. Coin-operated laundry or dry cleaning store (specifically excluding dry-cleaning pressing establishment or pick-up station and coin-operated laundry facilities within the interior of a multi-family apartment building).

- k. Home appliance repair or service.
 - l. Special events facilities.
 - m. Drive-through facility (other than dry cleaning pick-up station).
 - n. Pawn shop.
 - o. Check cashing establishment.
8. Maximum building height of the parking deck and mixed-use buildings shall be 80 feet.
9. The front facades of all principal residential and non-residential structures shall be oriented to a public street and sidewalk. A minimum of 60% of the front façade of the townhome buildings shall contain doors, porches, balconies, or windows. Single-family detached structures with a front façade width of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Wall offsets shall have a minimum depth of two feet so that no single wall plane exceeds 25 feet in width.
10. Non-residential structures shall use doorways, windows, and other openings in the facade of the building to break up the mass of each building. Non-residential structures shall provide fenestration for a minimum of seventy-five (75) percent of the length of the building frontage along the sidewalk, beginning at a point not more than three (3) feet above the public sidewalk and for a height not less than ten (10) feet above the sidewalk. Non-residential structures shall not exceed a maximum continuous length of ten (10) feet of facade without fenestration.
11. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
12. Continuous streetscape zones shall be constructed along all internal streets, including the installation of sidewalks, landscape strips, street trees, and pedestrian scale lights, in accordance with the applicable zoning district regulations.
13. Subject to Georgia Department of Transportation approval, 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, provide a minimum of one street tree for every 50 feet of street frontage along Mountain Drive or as approved by the County Arborist.
14. Refuse areas shall be screened from public streets and shall be fenced or screened with a combination of material and colors to match building materials of primary building.
15. Proposed streets shall comply with Section 14-190 of the Land Development Regulations regarding right-of-way width.
16. Limit access to two entry/exits on Mountain Drive. Number and location of curb cuts to be determined by GDOT and 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.

17. Provide the traffic study and the conceptual design for a road diet 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 to the Kensington MARTA Station based on CTP Project 6031 prior to the issuance of any Land Disturbance Permits. Subject to GDOT approval, provide funding and/or construction of crosswalk(s) across Mountain Drive to the Kensington MARTA Station.
18. All residential buildings shall provide a pitched roof. Flat top roofs are prohibited for residential buildings; however portions of the roof for multi-family residential buildings are allowed to accommodate accessory equipment.
19. Underground detention shall be required except for the detention shown in the single-family portion of the plan in the northeast corner of the site, unless otherwise required by the Development Division of the Planning and Sustainability Department.
20. 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.
- ~~21. Install an 8-foot-tall opaque fence along the north, east, and west property line.~~
22. Recycle collection bins shall be provided for the tenants residing in the multi-family buildings.
23. Secure bicycle storage lockers shall be provided within the parking deck. The space shall be sufficient for a minimum of 32 bikes or 10% of the multi-family units in the mixed-use residential/commercial building, whichever is greater.
24. Pet refuse stations shall be placed near the multi-family structure and along the trail.
25. The detention pond shall be designed as a "micro pool" as defined in the Georgia Stormwater Manual, a planted pond using similar water quality techniques, or an underground detention facility. The detention pond will either not be fenced, or if fenced it will use a wooden four rail (see through) horse-type fence.
26. Roof mounted mechanical equipment and appurtenances shall be located or screened so that they are not visible from the immediately adjacent ground level. Roof mounted HVAC equipment on the commercial and three-story multi-family buildings shall have screening materials and shall be compatible with the surrounding building materials and architectural design.
27. Two freestanding monument signs shall be permitted on Mountain Drive: one shall be eight (8) feet tall and one shall be six (6) feet tall. Signs for the single family and townhouse residential components may be incorporated into entry walls near Mountain Drive. Other wall mounted signs shall conform to DeKalb code.

28. The development plan must add an amenities package (i.e., a clubhouse and pool) for the benefit of community residents. Example: The existing basketball court can be repurposed for a different use on the property site.
29. S-F attached townhomes must have parking in the rear of the building with two-car garages and a minimum floor area of 1,800 square feet, with the exception of townhomes T-1 through T-14 and T-54 through T-69.
30. The applicant agrees to prohibit discount general merchandising stores to operate within the project site.
31. The building materials of all facades -- residential (townhomes and S-F detached) and principal nonresidential structures -- shall consist of non-reflective glass, glass block, natural stone, ~~pre-cast concrete, textured face concrete block, architectural concrete, brick, terra cotta, or stucco.~~ No vinyl siding. Fiber cement lap siding shall also be an allowed facade material for townhomes and single-family detached structures.
32. Notwithstanding anything in any other condition or the original site plan, the maximum number of stories of the residential homes shall be three stories, at a maximum height of 45-40 feet.



DeKalb County
GEORGIA

Michael Thurmond
Chief Executive Officer

DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: July 1, 2018, 6:30 P.M.

Board of Commissioners Hearing Date: July 24, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: CZ-18-22314 **Agenda #:** N. 8

Location/Address: 3360 Mountain Drive, Decatur **Commission District:** 4 **Super District:** 5

Parcel ID: 15-250-01-013 and -050 through -062

Request: A Major Modification of four conditions of CZ-15-19762, which conditionally rezoned property to MU-5 (Mixed Use - 5), to modify the conditions for alleys, building materials, fencing, and building heights. The property is located on the north side of Mountain Drive, approximately 302 feet west of Farrar Court, at 3360 Mountain Drive, Decatur. The property has approximately 769 feet of frontage on Mountain Drive and contains 30.5 acres.

Property Owner: Century Communities of Georgia, LLC

Applicant/Agent: Century Communities of Georgia, LLC, c/o Battle Law, PC

Acreage: 30.5 acres

Existing Land Use: The development is under construction. The land has been cleared and single-family homes have been constructed.

Surrounding Properties: To the northwest and north: single-family residential; to the northeast: multifamily residential; to the east: single-family residential; to the southeast, south, and southwest: the Memorial Drive-Kensington MARTA station; to the west: multifamily residential.

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

Comprehensive Plan:

Consistent Inconsistent

Proposed Density: 17.5 units per acre	Existing Density: a development of 17.5 units per acre is under construction
Proposed Units/Square Ft.: 522 units/54,990 s.f. non-residential	Existing Units/Square Feet: Proposed units and non-residential space are under construction
Proposed Lot Coverage: Approximately 75%	Existing Lot Coverage: After construction, approximately 75%

Zoning History:

The property was rezoned in 2015 from RM-85 (Multifamily Residential) to PC-3 (Pedestrian Community – 1) pursuant to CZ-15-19762 to allow a mixed use development consisting of 48 single-family detached units, 66 fee-simple attached townhomes, 408 multifamily units, and 54,990 square feet of commercial development. The Board of Commissioners approved the zoning action with 32 conditions that addressed the mix of uses, building design and height, access, streetscaping, underground detention, signage, and inclusion of an amenity package for residents.

SITE ANALYSIS

The subject property is a 30.5-acre site located on the north side of Mountain Drive, on the opposite side of the street from the Kensington-Memorial MARTA station. Before it was rezoned in 2015, the site was occupied by a vacant and dilapidated apartment complex called Kensington Manor. The site is now under construction for a mixed use development called Avondale Hills. Part of the Indian Creek tributary runs along the western edge of the site and crosses the center of the site.

The area surrounding the site is developed with a mixture of single-family, multi-family, and transportation uses. Single-family residential is located to the north and east of the site. Multi-family residential is located to the west.

PROJECT ANALYSIS

The development has been The applicant requests modification of the following three conditions and addition of a new condition.

Approved conditions to be modified:

- (Condition No. 1) The 30.5 acre tract (the “Project Site”) shall be developed in general conformity with the location of land uses shown on the conceptual plan entitled Avondale Hills/DRI #2483 and stamped received by the Department of Planning and Sustainability on 4/20/2015.

The applicant states that the steep slope along the western boundary line prevents construction of an alley that was shown on the approved site plan as located behind the townhomes on the western side of the site.

- (Condition No. 21) Install an 8-foot tall opaque fence along the north, east, and west property lines.

The applicant states that the fence would have to be installed in the stream buffer, “which could impede the natural flow of the stream and block the visual aesthetics along the western boundary line of the Subject Property.”

- (Condition No. 5 by Commissioner Sharon Barnes-Sutton) The building materials of all facades, residential, and principal non-residential structures (townhome sand S-F detached) shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, or stucco. No vinyl siding.

The applicant states that fiber cement (commonly known by the brand name “Hardiplank”) was inadvertently left out of the list of permitted materials. The applicant argues that fiber cement siding is used in the majority of homes built in the United States, and is not only aesthetically appealing but also durable.

New Condition to be added:

- (New Condition) Notwithstanding anything in any other condition or the original site plan, the maximum number of stories of the residential homes shall be three stories, at a maximum height of 45 feet.

The applicant states that the original site plan provided for residential building heights of four stories at 35 feet, which "was clearly a scrivener's error as this would result in 7 foot high ceilings to achieve 4 stories. The intent was for 3 stories at a maximum of 45 feet in height, which is standard for 3-story buildings, which includes the pitched roof."

- (Condition No. 2 submitted by Commisisoner Sharon Barnes-Sutton) The applicant has requested that the requirement for parking in the rear of the townhomes be modified. This is necessary because some new townhomes have been constructed on the east side of the site without rear-facing garages due to a steep slope at the rear of the home sites, and because elimination of the alley on the west side of the site will make it impossible to provide rear-facing garages for those homes. As a precaution, Staff recommends that the zoning requirement of Sec/ 27-5.7.5(N)(1) be reinforced with a condition that garages be set two feet back from the front façade of the units.

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:

In 2015, the development was determined to be consistent with the 2025 Comprehensive Plan. The 2035 Comprehensive Plan has the same policies on which consistency was determined in 2015. The request for modification of conditions does not change the development to the extent that it would become inconsistent with these policies.

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 requested modifications would not alter suitability of the development in relation to the use and development of adjacent and nearby properties.

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

Because the requested modifications do not change the zoning classification of the property, this consideration is not applicable.

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

The requested modifications would not alter the impact of the development on 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:

During construction, the limitations of the topography became apparent to the developer. In addition, construction of the first homes on the property made the developer aware of flaws in the conditions related to building materials and building height.

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:

The requested modifications would not change the number of residential units nor the amount of non-residential space, and would thus have no effect on demand placed on the public infrastructure or school system by the development.

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

The modification that would eliminate the requirement for the alley shown on the approved site plan behind the homes on the west side of the development site would help preserve water quality in the stream that flows through the site.

STAFF RECOMMENDATION:

The requested modifications would not change the development to the extent that it would become inconsistent with the policies of the Comprehensive Plan. The modifications would not alter the impact of the development on adjacent or nearby residential properties. By preserving the bank of the stream that runs through the site, the modification that would eliminate the requirement for the alley behind the homes on the west side of the development site would help preserve water quality in the stream. The requested modifications would not change the number of residential units nor the amount of non-residential space, and would thus have no effect on demand placed on the public infrastructure or school system by the development. Therefore, the Department of Planning and Sustainability recommends "Approval" of the requested modifications, as listed in bullet points below.

Staff recommends that Condition Nos. 22 - 27 approved by Staff for CZ-15-19762 be renumbered after deletion of Condition No. 21 as Condition Nos. 21 – 26. Staff also recommends that Condition 2 submitted by Commissioner Sharon Barnes-Sutton be modified and that the conditions submitted by the Commissioner be renumbered 27 – 31 to follow sequentially the other conditions approved as part of CZ-15-19762. Finally, Staff recommends that the new condition be numbered Condition No. 32.

- Modify Condition No. 1 as follows (modification italicized): The 30.5 acre tract (the "Project Site") shall be developed in general conformity with the location of land uses shown on the conceptual plan entitled "Avondale Hills/DRI #2483" and stamped received by the Department of Planning and Sustainability on 4/20/2015, *as modified in accordance with the site plan dated May 2, 2018 which removes the alley behind townhomes T-54 through T69 as identified on the previously approved site plan but leaves the commercial portion of the development unchanged.*

- Modify Condition No. 2 of the conditions submitted by Commissioner Sharon Barnes-Sutton as follows (previous condition deleted; replacement italicized): ~~SF Attached Townhomes must have parking in the rear of the building with 2-car garages and minimum floor area of 1800 square feet.~~ *Attached townhomes must have parking in the rear of the building with two-car garages and a minimum floor area of 1800 square feet. Front-facing garages on all units to be constructed after July 24, 2018 shall be set back from the front façades of the houses by two feet.*
- Delete condition No. 21 which requires installation of an 8-foot tall opaque fence along the north, east, and west property lines.
- Modify Condition No. 31, formerly approved as No. 5 of the conditions submitted by Commissioner Sharon Barnes-Sutton as follows (modification italicized): The building materials of all facades, residential, and principal non-residential structures (townhome and S-F detached) shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, or stucco. No vinyl siding. *Fiber cement lap siding shall also be an allowed façade material for townhomes and single-family detached structures.*
- Add Condition No. 32 as follows: Notwithstanding anything in any other condition or the original site plan, the maximum number of stories of the residential homes shall be three stories, at a maximum height of 45 feet.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. 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).*
- ✓ • **(AS APPLICABLE) 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.)*

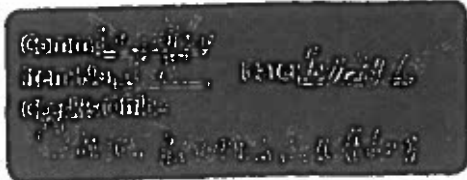
Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

**RECOMMENDED CONDITIONS
CZ-15-19762**

1. The 90.5 acre tract (the "Project Site") shall be developed in general conformity with the location of land uses shown on the conceptual plan entitled Avondale Hills/DRI #2483 and stamped received by the Department of Planning and Sustainability on 4/20/2015.
2. To the conceptual elevations entitled Avondale Hills Neighborhood Development and stamped received by the Planning and Sustainability Department on 3/10/2015.
3. Number of units not to exceed 522 total residential units.
4. Commercial development in the mixed-use component shall provide a minimum of 54,990 square feet.
5. A minimum of 25% open space shall be provided. A minimum of 5% of the open space shall be provided in parks or squares. A multi-use trail shall be provided and maintained as shown on the conceptual plan. The multi-use trail for each phase of development must be completed prior to the issuance of any certificates of occupancy for residential units in the same phase of development.
6. The single-family attached townhomes shall have a minimum floor area of 1,200 square feet.
7. Commercial uses are only allowed as part of a mixed-use residential/commercial building. Commercial uses limited to NS (Neighborhood Shopping) uses. The following uses are prohibited within the Project Site:
 - a. Animal hospital, veterinary clinic, boarding and breeding kennels
 - b. Convent and monastery
 - c. Private elementary, middle and high school
 - d. Hotels, motels, extended stay hotel/motels, boarding and rooming houses.
 - e. Movie theater or bowling alley.
 - f. Farm and garden supply store
 - g. Liquor Store, including retail liquor store as accessory use to hotels, motels and high rise office building.
 - h. Adult Entertainment establishments and adult service facilities
 - i. Nightclubs or late night establishment
 - j. Coin-operated laundry and 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 and service
 - l. Special Events Facilities
 - m. Drive-through facilities (other than dry-cleaning pick-up stations)
 - n. Pawn Shops
 - o. Check Cashing Establishments
8. Maximum building height of the parking deck and mixed-use buildings shall be 80 feet.
9. The front facades of all principal residential and non-residential structures shall be oriented to a public street and sidewalk. A minimum of 60% of the front façade of the townhome buildings shall contain doors, porches, balconies, or windows. Single-family detached structures with a front façade width of 40 feet or more shall incorporate wall offsets in the form of projections or recesses in the front façade plane. Wall offsets shall have a minimum depth of two feet so that no single wall plane exceeds 25 feet in width.
10. Non-residential structures shall use doorways, windows, and other openings in the facade of the building to break up the mass of each building. Non-residential structures shall provide fenestration for a minimum of seventy-five (75) percent of the length of the building frontage along the sidewalk, beginning at a point not more than three (3) feet above the public sidewalk and for a height not less than ten (10) feet above the sidewalk. Non-residential structures shall not exceed a maximum continuous length of ten (10) feet of facade without fenestration.

June 9, 2015

11. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood.
12. Continuous Streetscape zones shall be constructed along all internal streets, including the installation of sidewalks, landscape strips, street trees, and pedestrian scale lights, in accordance with the applicable zoning district regulations.
13. Subject to Georgia Department of Transportation approval, 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, provide a minimum of one street tree for every 50 feet of street frontage along Mountain Drive or as approved by the County Arborist.
14. Refuse areas shall be screened from public streets and shall be fenced or screened with a combination of material and colors to match building materials of primary building.
15. Proposed streets shall comply with Section 14-190 of the Land Development Regulations regarding right-of-way width.
16. Limit access to two entry/exits on Mountain Drive. Number and location of curb cuts to be determined by GDOT and 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.
17. Provide the traffic study and the conceptual design for a road diet 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 to the Kensington MARTA station based on CTP Project 6031 prior to the issuance of any Land Disturbance Permits. Subject to GDOT approval, provide funding and/or construction of crosswalk(s) across Mountain Drive to the Kensington MARTA Station.
18. All residential buildings shall provide a pitched roof. Flat top roof is prohibited for residential buildings, however portions of the roof for multi-family residential buildings may be flat to accommodate accessory equipment.
19. Underground detention shall be required except for the detention shown in the single-family portion of the plan in the northeast corner of the site, unless otherwise required by the Development Division of the Planning and Sustainability Department.
20. 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.
21. Install an 8-foot tall opaque fence along the north, east, and west property line.
22. Recycle collection bins shall be provided for the tenants residing in the multi-family buildings.
23. Secure bicycle storage lockers shall be provided within the parking deck. The space shall be sufficient for a minimum of 32 bikes or 10% of the multi-family units in the mixed-use residential/commercial building, whichever is greater.
24. Pet refuse stations shall be placed near the multi-family structure and along the trail.
25. The detention pond shall be designed as a "micro pool" as defined in the Georgia Stormwater Manual, a planted pond using similar water quality techniques, or an underground detention facility. The detention pond will either not be fenced, or if fenced it will use a wooden four rail (see through) horse-type fence.
26. Roof mounted mechanical equipment and appurtenances shall be located or screened so that they are not visible from the immediately adjacent ground level. Roof mounted HVAC equipment on the commercial and three-story multi-family buildings shall have screening materials shall be compatible with the surrounding building materials and architectural design.
27. Two freestanding monument signs shall be permitted on Mountain Drive: one shall be eight (8) feet tall and one shall be six (6) feet tall. Signs for the single family and townhouse residential components may be incorporated into entry walls near Mountain Drive. Other wall mounted signs shall conform to DeKalb code.



**Commissioner Sharon Barnes-Sutton
RECOMMENDED CONDITIONS
CZ-15-19762**

- 1. Development Plan must add Amenities Package (i.e., clubhouse, pool) for the benefit of Community/Residents. Example: The existing basketball court can be repurposed for different use on property site.**

- 2. SF Attached Townhomes must have parking in the rear of the building with 2-car garages and minimum floor area of 1,800 square feet.**

- 3. SF Detached Homes shall have a minimum floor area of 2,300 square feet.**

- 4. The applicant agrees to prohibit discount general merchandising stores to operate within the project site.**

- 5. The building materials of all facades, residential, and principal non-residential structures (townhomes and-SF detached) shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, or stucco. No vinyl siding.**

Sharon Barnes Sutton

Commissioner Sharon Barnes Sutton

Furman, Melora L.

From: Keeter, Patrece
Sent: Friday, June 22, 2018 4:54 PM
To: Hill, LaSondra
Cc: Alexander, Michelle M.; Furman, Melora L.; Reid, Robert; Hill, Karen F.
Subject: Zoning Comments- Transportation

N1. Alton Road is classified as a local road. See Chapter 5 of the zoning code Table 5.1 and Chapter 14, Section 190 of the Land Development Code for permit requirements. Street lights are required. New road to be private. Add sidewalks on the existing county right of way between new road and Chamblee Tucker Road. Sight Triangles for access point will be required at Land Development Permit submittal.

N2. Lawrenceville Hwy (SR 8) and North Druid Hills Road are both major arterials and both are on the Bike Network as Second Tier Priority. See Chapter 5 of the zoning code Table 5.1 and Chapter 14, Section 190 of the Land Development Code for permit requirements. Street lights required. Request to comment at a future date when the traffic GRTA/ARC DRI required traffic study is complete and a Notice of Decision is given. Transportation is requesting a deferral, as any action taken by the county prior to NOD may jeopardize federal transportation funding. At a minimum, we want a PATH connection along the southern property line as part of the South Fork Peachtree Creek Trail and a direct, buffered ped/bike connection between the PATH and the neighborhood, crossing at the signal at Mistletoe Road. In addition, the access point on Lawrenceville Hwy just south of NDH will be restricted to right in/right out/left in. Sight Triangles for access point will be required at Land Development Permit submittal. Other comments later once traffic study is received.

N3. See N2.

N3. Does a recycling plant automatically trigger a DRI? Lancaster Road is classified as a local road. This property is in the Bouldercrest Overlay District Tier 4- verify infrastructure requirements in Code. It appears to be a packed gravel, unimproved road, not up to current standards with a right of way corridor of only 35 feet. DeKalb County has no current plans to upgrade this road to modern standards. Right of way dedication of 27.5 from centerline is required.

N4. Does a recycling plant automatically trigger a DRI? Fleetwood Drive is classified as a local road. Please note that there is an effort to make the private railroad crossing to the private properties a Quiet Zone- no RR train horns will be sounded. The property owner needs to pave their approach to the crossing to reduce the amount of sediment tracked onto the county road.

N5. Columbia Drive is classified as a minor arterial and on the second tier bike network. Requires right of way dedication of 40 feet from centerline and bike lanes (Land Development Code Section 14-190). In lieu of the bike lane, a 10 foot multiuse path is suggested. Per Zoning Code- Street lights (80' on center- DeKalb County will layout design in Land Development Permit process), 6 foot sidewalk and 10 foot landscape zone are required. Sight Triangles for access point will be required at Land Development Permit submittal.

N6. Memorial Drive is a state route. GDOT review and permits required. Transportation is requesting a traffic study be performed. This development will have a hard time getting thru the land development process. Chapter 14 requires 3 access points. See Chapter 14, Section 14-200 (6) for the requirements of separation of access points. Requests deferral until the traffic study is completed for additional comments. This seems like a large development for such a small parcel. Sight Triangles for access point will be required at Land Development Permit.

N7. See N6.

N8. No Comment.

→ N9. Mountain Dr is a state route. GDOT review and permits are required. Not enough information to comment about the change in alleys. Public alleys must connect to public street on both ends. Private alleys may end in a turn around. See section 14-195 of the Land Development Code for more information related to alleys.

N10. No comments.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: CZ-18-22314

Parcel I.D. #: 15-250-01-013

Address: 3360

MOUNTAIN DR
DECATUR, GA

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
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:

Field and plans reviewed. Found nothing that would call a traffic problem.

Signature: [Signature]
David M. [Name]



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-18-22314

Parcel I.D. #: 15-250-01-013 and -050 through -062

Address: 3360 Mountain Drive

Decatur, Georgia

WATER:

Size of existing water main: 6" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Indian Creek Basin

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

Water Treatment Facility: Snappfinger Creek 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.

FKL

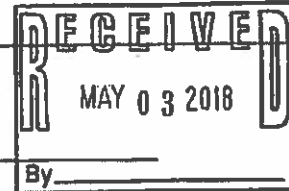
Signature:



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY
AMENDED
MAJOR MODIFICATION APPLICATION



Existing Conditional Zoning No.: C2 15 19762

APPLICANT NAME: Century Communities of Georgia, LLC c/o Battle Law, P.C.

Daytime Phone#: 404-601-7616 Fax #: 404-745-0045 E-mail: mlb@battlelawpc.com

Mailing Address: One West Court Square, Suite 750, Decatur, GA 30030

OWNER NAME: -Please see attachment Century Communities of Georgia, LLC (If more than one owner, attach contact information for each owner)

Daytime Phone#: (678) 597-5469 Fax #: _____ E-mail: tturner@centurycommunities.com

Mailing Address: 3091 GOVERNORS LAKE DRIVE, SUITE 200, NORCROSS, GA 30071

SUBJECT PROPERTY ADDRESS OR LOCATION: -Please see attachment 3360 Mountain Drive
Decatur, DeKalb County, GA, _____

District(s): 15 Land Lot(s): 250 Block(s): 01 Parcel(s): 013 & 036 thru 061

Acreage or Square Feet: 22.817 acres ~~108,000~~ Commission District(s): 4 Existing Zoning: MU-5 (conditional)

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: Ted Turner

Printed Name of Applicant: Ted Turner, Century Communities Major Modification Application

June 27, 2018

VIA HAND DELIVERY

Marian Eisenberg, Zoning Administrator
DeKalb County Planning and Sustainability
330 W. Ponce de Leon Ave.
Decatur, GA 30030

Re: Amended Major Modification Application for Century Communities – 3360 Mountain Drive

Dear Marian:

In conjunction with our request to modify Condition 1 of the Additional Conditions added by Sharon Barnes Sutton, and as a point of clarification, please accept our request to also modify Additional Condition 2. Additional Condition 2 should also be amended to exempt the same townhome units referenced in our modification to Condition 1. This modification is already shown in the current site plan. Additional Condition 2 should be modified to read as follows:

SF Attached Townhomes must have parking in the rear of the building with 2-car garages with the exception of townhome units T1-T14 and T54-T69 and minimum floor are of 1,800 square feet.

Please let me know if you should need any additional information.

Sincerely,


Michele L. Battle /RD.

CC: Michelle Alexander
Melora Furman



DECATUR, GA 30030

What Is a Community Meeting?

Community meetings are designed to inform the surrounding communities of current rezoning, and special land use permit applications. It's an opportunity for the community to learn about the proposed projects, ask questions, present concerns, and make suggestions. We take this opportunity to encourage you to come out and participate. Owner? Rentier? Doesn't matter. All are welcome.

For More Info Contact Babaya Clements at:

Phone: 404-691-7618 ext. 2

Fax: 404-745-0045

Email: bbclaw@battlelawpc.com

**MAJOR MODIFICATION
APPLICATION**

FOR

**TOWNHOMES/SINGLE -
FAMILY HOMES
DEVELOPMENT**

Community Meeting

Wednesday, April 25, 2018

6:30 pm until 7:30 pm

3360 Mountain Drive

Decatur, Georgia 30032

Front Entrance Trailer

PROPOSED LOCATION:

3360 Mountain Drive

Decatur, Georgia 30032

**SIGN IN SHEET
COMMUNITY MEETING**

Project: 3360 Mountain Drive, Decatur, GA 30032

Location: 3360 Mountain Drive, Decatur, GA 30032

Date: 4/25/18 Time: 6:30-7:30 PM

Please print legibly						
First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
Emily	Hakery	1059 Farrar Ct.	Decatur, GA	30032	47680-2178	evh27@gmail.com
Ryan Morgan	Rowe	658 Farrar Ct	Decatur, GA	30032		MrsRowe58@gmail.com
Andrew	Shahan	664 Farrar Court	Decatur, GA	30032		andrewshahan@hotmail.com
Cornie	White	652 Farrar Court	Decatur, GA	30032	475-0380	CornieWhite652@gmail.com
Annie	Italiano	623 Farrar Ct.	Decatur	30032	470-532-8658	annitaliano1@gmail.com
NICOLA	WEBB		ANDALAE ST	30022		WCB@FURNISDRTRANS.COM
Roxanne	Daley	One West Ct. Sq, Ste 75D	Decatur	30032		red@vettelaup.com
Matt	Leatherman	659 Firmer Ct.	Decatur	30032	404-580-2195	grammymit@gmail.com

I. STATEMENT OF INTENT

The Subject Property is an 18.898-acre tract that is currently zoned MU-5 pursuant to CZ15-19762, and is part of the 30.5 acre Mixed Use Project (the "Mixed Use Project") being developed by Carlos Arenas and is affiliated company. The Applicant, Century Communities of Georgia, LLC, acquired the portion of the Project to be developed for 115 single-family detached and attached homes (the "Residential Development"). This Major Change of Condition Application is limited to the Subject Property, as the proposed changes only impact the Subject Property.

The Applicant has final platted Phase I of the Residential Development which is 3.919 acres, and all of the single family detached and attached units have been pre-sold. In connection with the permitting of the Subject Property for Phases II and III of the Residential Development, it was determined by the Land Development and Planning Staff that a few changes would be needed to the zoning conditions approved with CZ15-19762 for the Applicant to proceed with permitting. Those modifications to the Subject Property only are as follows:

Condition 1: The 30.5 acre tract (the "Project Site") shall be developed in general conformity with the location of land uses shown on the conceptual plan entitled Avondale Hills/DUR #2483 and stamped received by the Department of Planning and Sustainability on 4/20/2015 (the "Original Site Plan"), *as amended and modified by the Site Plan submitted to the Planning and Sustainability Staff on May 3, 2018 removing the alleyway located behind townhomes T-54 to T69 as identified on the Original Site Plan.*

Condition 2: Install an 8 foot tall opaque fence along the north, east and west property line.

Additional Condition 5: The building materials of all facades, residential, and principal residential structures (townhomes and SF detached) shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, or stucco. No vinyl siding. *Fiber cement siding shall also be an allowed façade material for residential structures (townhomes and SF detached).*

Additional Condition 6: Notwithstanding anything in any other condition or the Original Site Plan, the maximum number of stories of the residential homes shall be 3

stories, at a maximum height of 45 ft.

It is the Applicant's contention that the proposed modification have no negative impact on the surrounding community off of Mountain Drive, including the Farrar Road single family residential community. The justification for the modifications are as follows:

Condition 1 Modification: Due to the steep slope along the western boundary line of the property, the installation of the alleyway is prohibitive due to site conditions.

Condition 21 Modification: The installation of the fence would have to be located within the stream buffer, which could impede the natural flow of the stream, and block the visual aesthetics along the western boundary line of the Subject Property.

Additional Condition 5 Modification: It is the Applicant's contention that the reference to fiber cement (commonly known by the brand Hardiplank) was inadvertently left out of the list of permitted materials. Fiber cement siding is a common siding used in the majority of homes build in the United States, and is both aesthetically appealing, but also durable.

Proposed Additional Condition 6: The Original Site Plan provided for a maximum of 4 stories at 35 ft in height for the residential units. This was clearly a scrivener's error as this would result in 7 foot high ceilings to achieve 4 stories. The intent was for 3 stories at a maximum of 45 ft in height, which is standard for a 3 story building, which includes the pitched roof.

III. IMPACT ANALYSIS

- (a) Suitability of use: The proposed application will permit uses that are suitable in view of the uses and developments adjacent and nearby the Subject Property.
- (b) Effect on adjacent property: The uses of the Subject Property as contemplated in this Application will have no adverse impact on the adjacent property owners,
- (c) Economic use of current zoning: The economic value of the Subject Property would be significantly diminished without the approval of the requested.
- (d) Effect on public facilities: The Subject Property is in an area with public utility availability. The proposed rezoning will not cause excessive use of streets, transportation facilities, utilities, or schools in the area.
- (e) Effect on historic building, sites, etc. The approval of this Major Change of Condition Application will not have any adverse impact on any historic buildings, sites, districts or archaeological resources in the area.
- (f) Environmental Impact. The approval of this Major Change of Condition Application will not result in any adverse environmental impact.

- (c) Conformity with Comprehensive Plan or Land Use Plan: The Subject Property is currently zoned MU-5 which is in conformity with the Regional Center designation for the Subject Property.
- (f) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

CONSTITUTIONAL ALLEGATIONS

The portions of the Zoning Resolution of DeKalb County as applied to the subject Property which classify or may classify the Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Resolution of DeKalb County to the Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an

- (e) Conformity with Comprehensive Plan or Land Use Plan: The Subject Property is currently zoned MU-5 which is in conformity with the Regional Center designation for the Subject Property.
- (f) Others: The following constitutional allegations are given in order to preserve the rights of the Applicant to appeal any adverse decisions that may be rendered by DeKalb County with respect to this Application:

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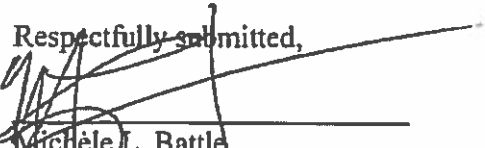
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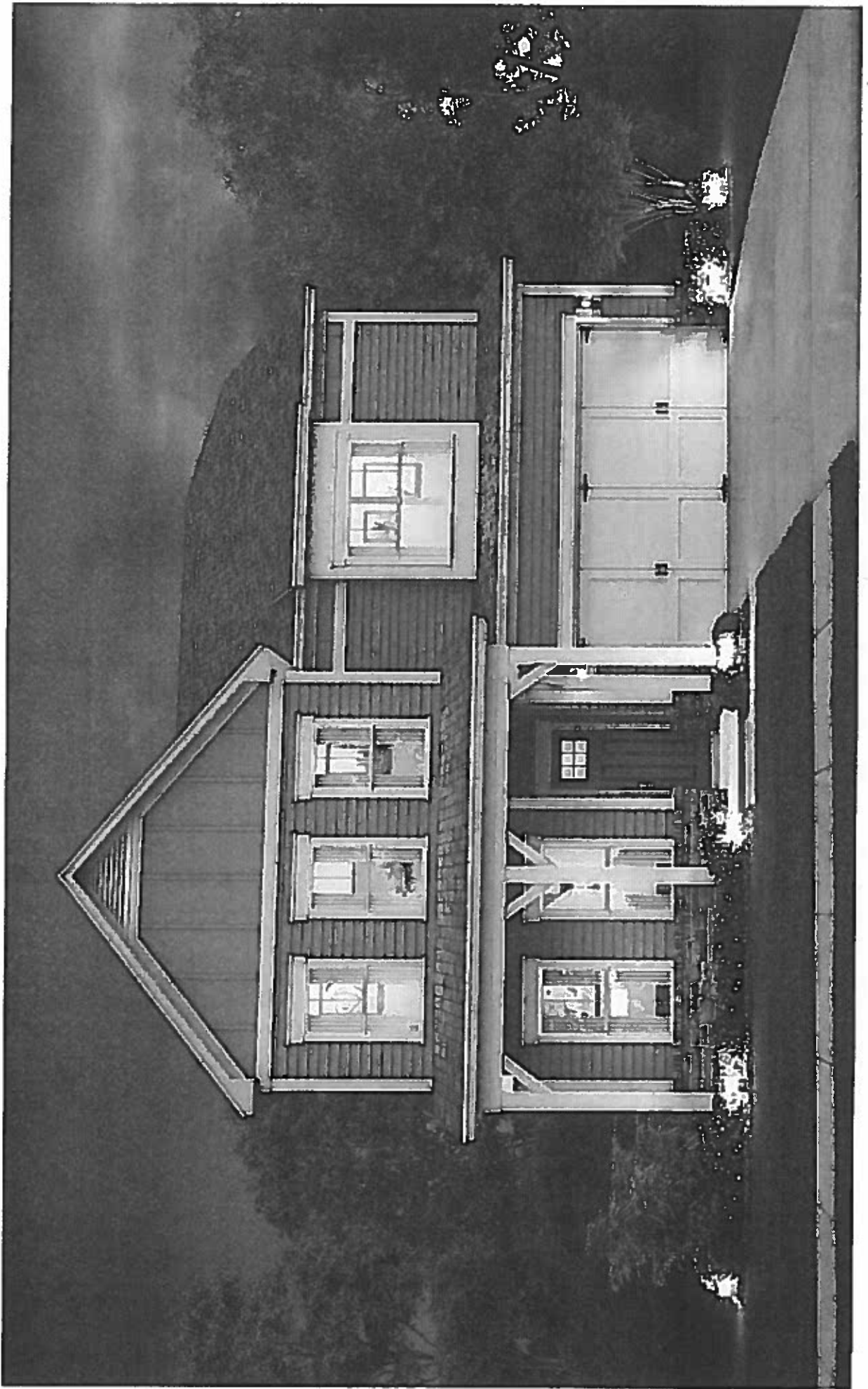
A denial of this Application would constitute an arbitrary and capricious act by the DeKalb County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

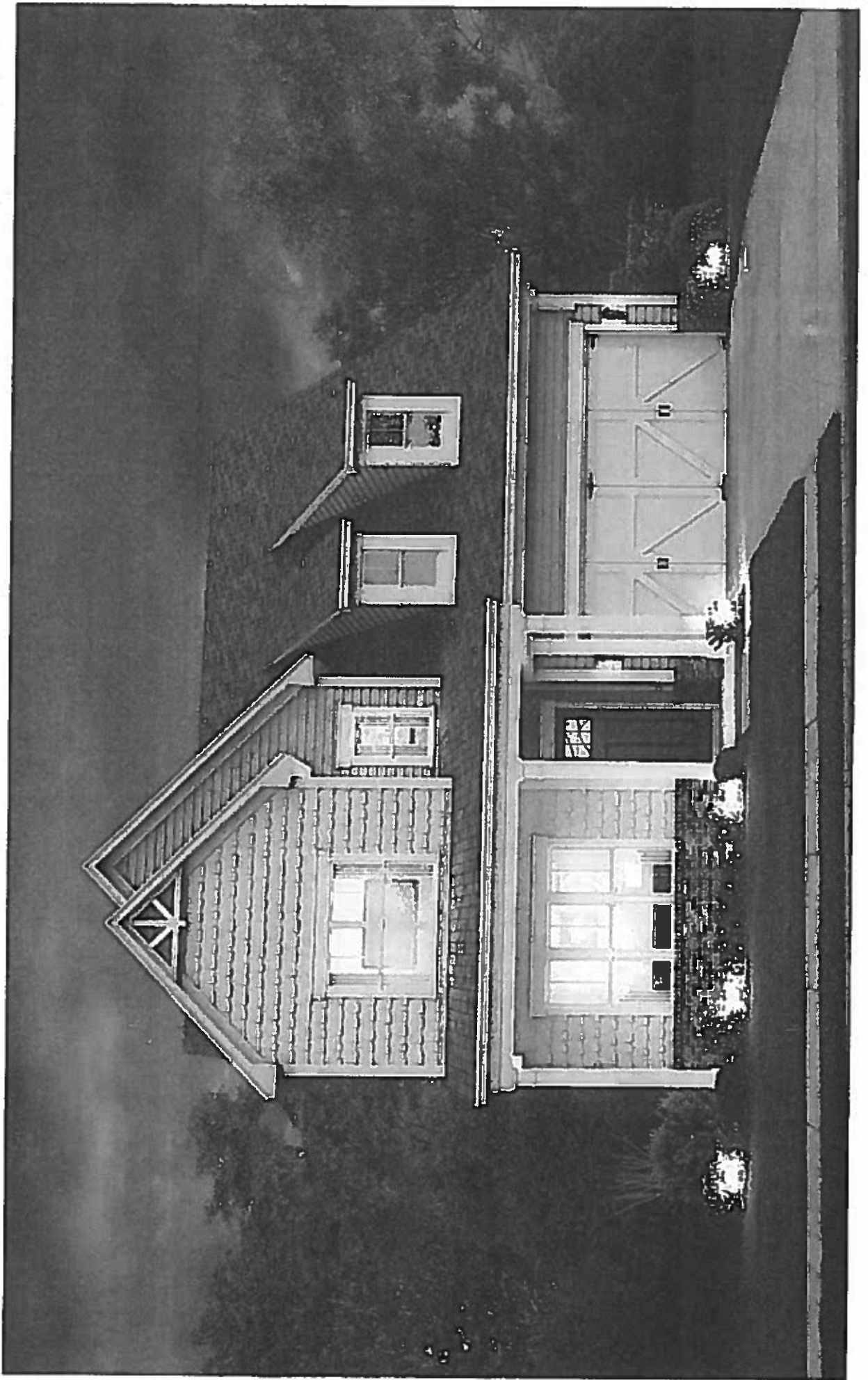
A refusal by the DeKalb County Board of Commissioners to amend the zoning conditions applicable to the Property as proposed by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the subject Property would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

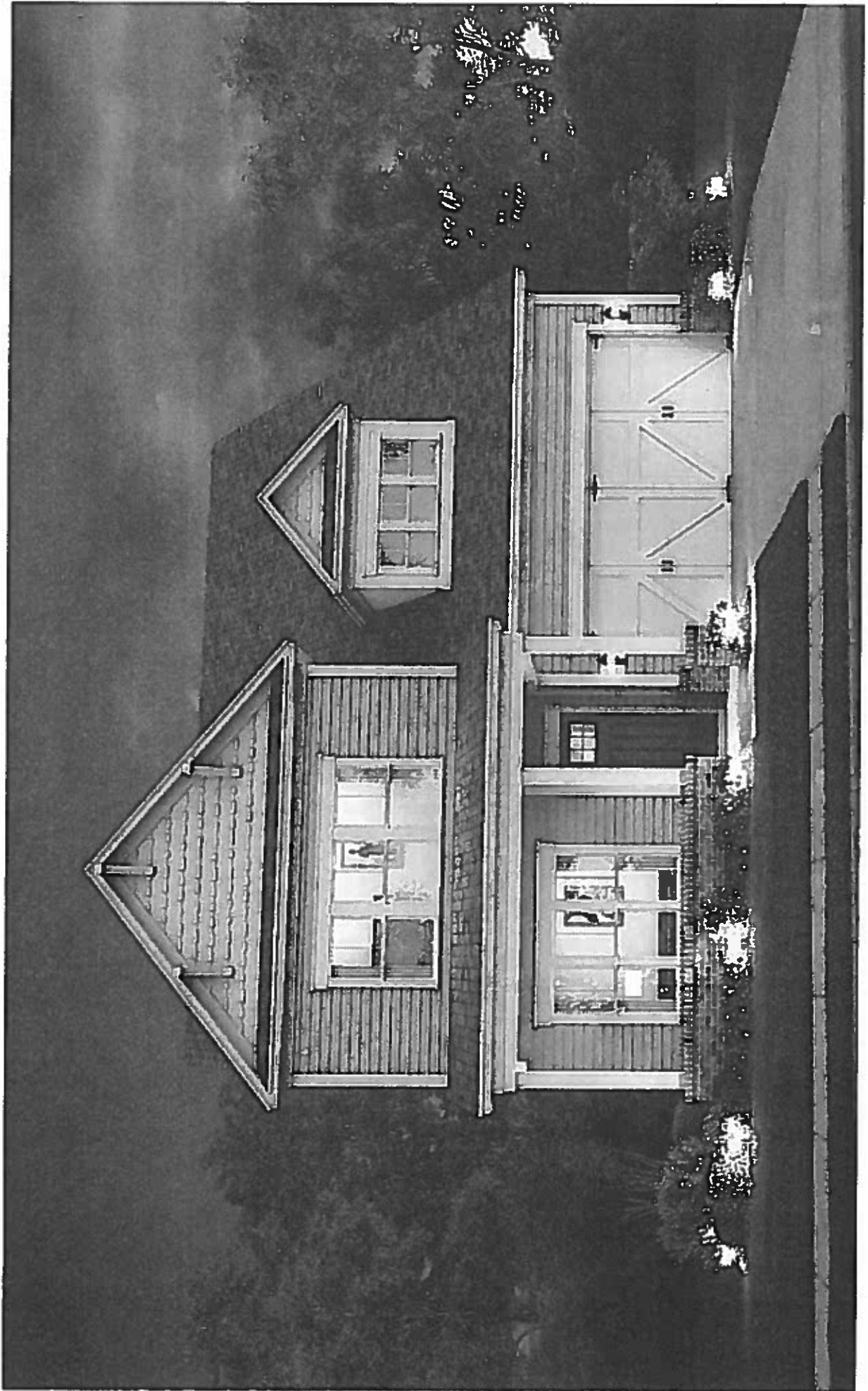
IV. CONCLUSION

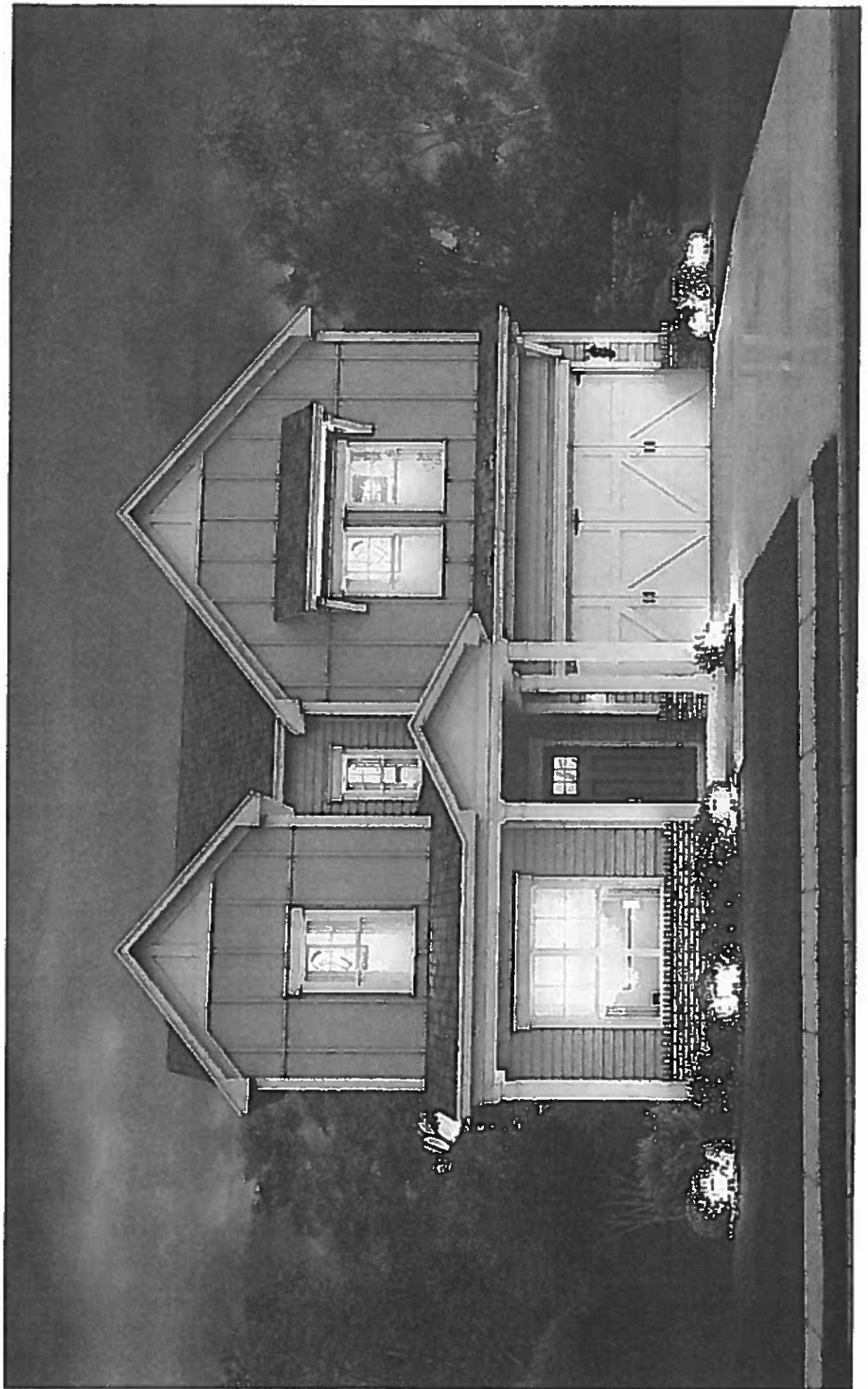
For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

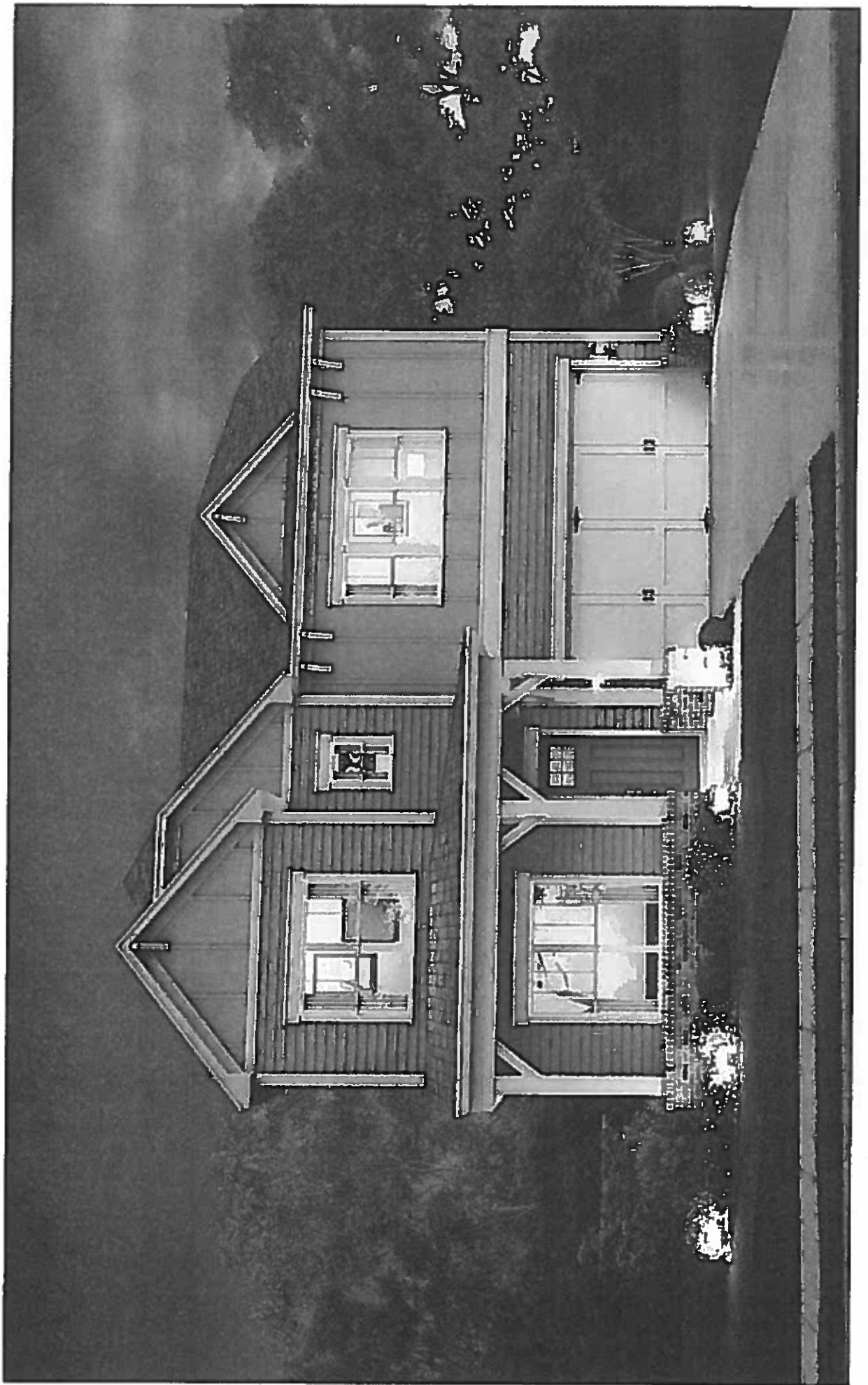
Respectfully submitted,

Michèle L. Battle
Attorney For Applicant

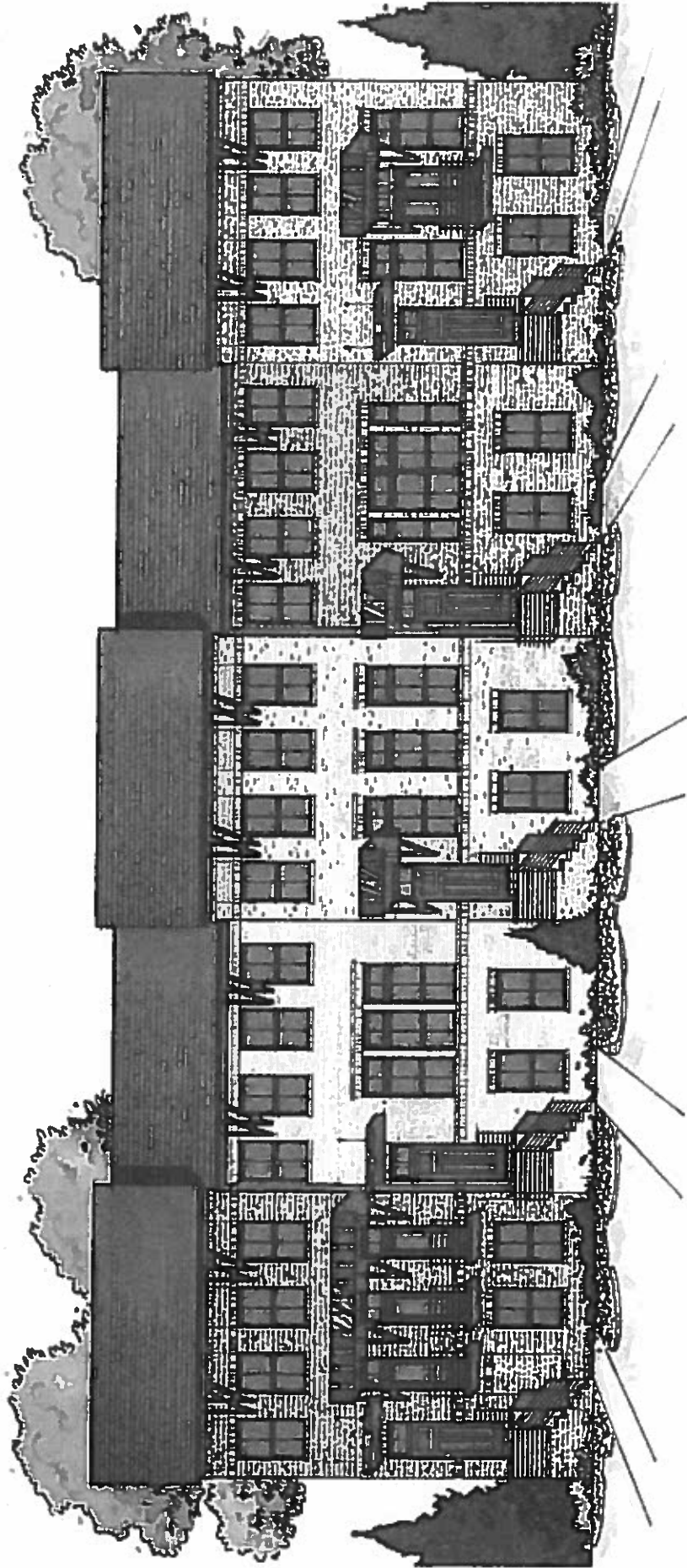












Residential Design by
Main Street Designs of Georgia, LLC
3050 Royal Blvd. South, Suite 135
Alpharetta, GA 30022
404.480.3481

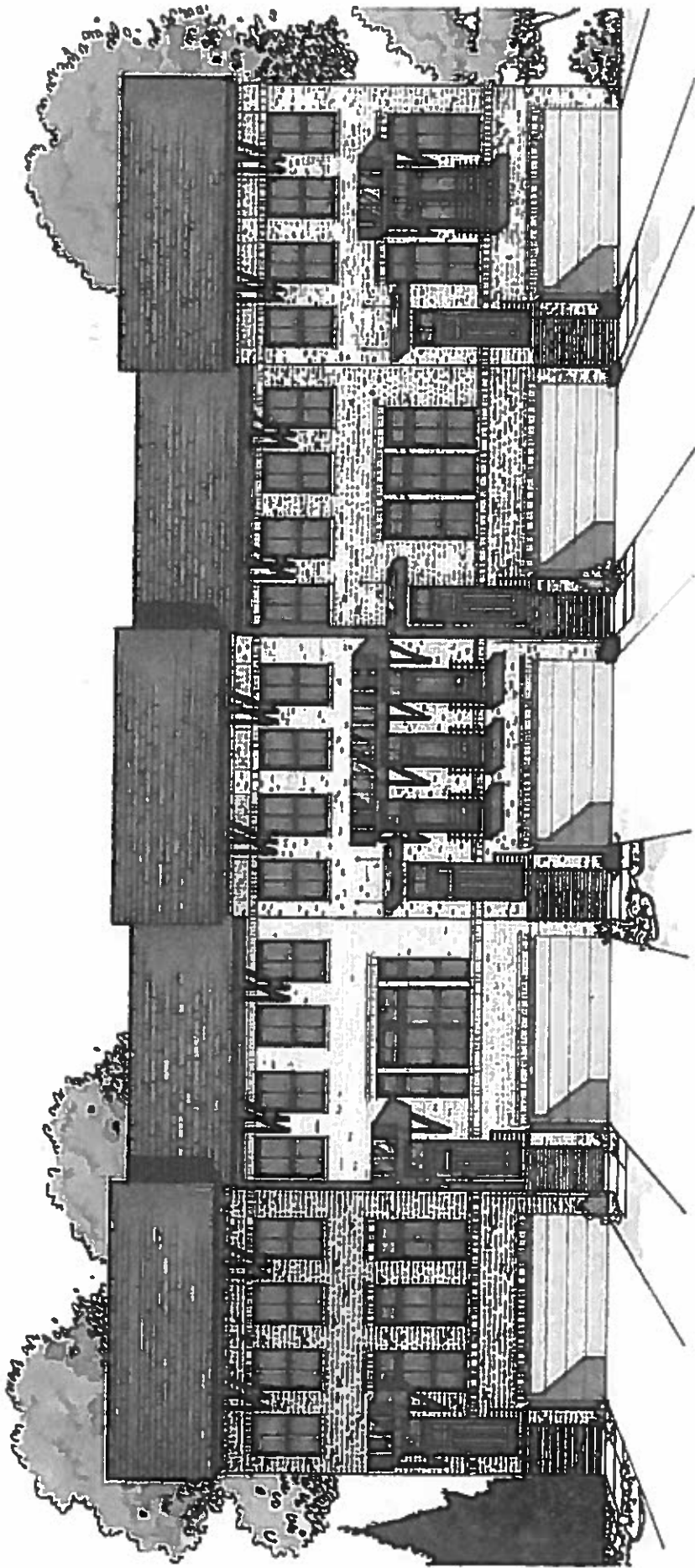


24' Century Communities Townhomes

Builder:
Century Communities, Inc.
3091 Governor Lake Drive
Norcross, GA 30071
678.533.1166



CENTURY
COMMUNITIES



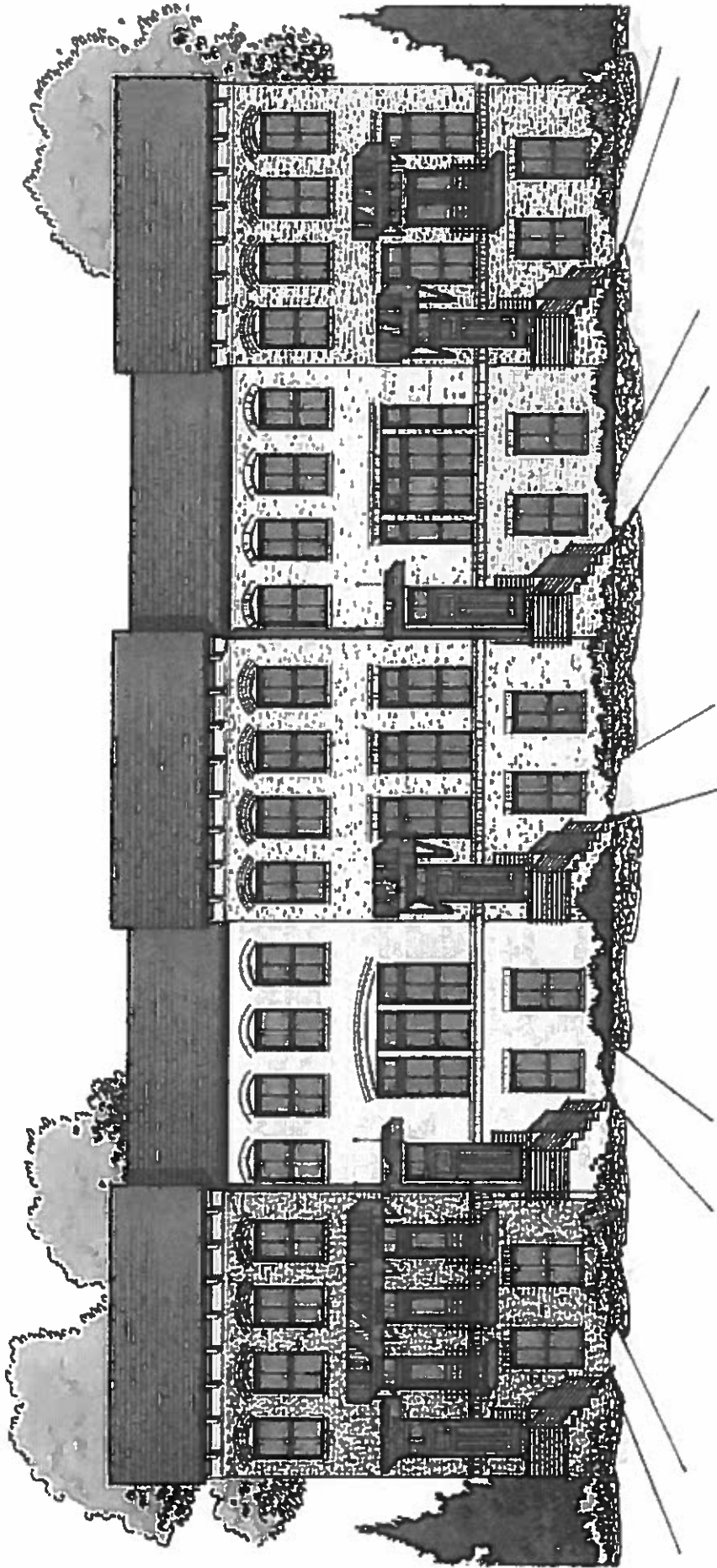
Residential Design by:
Main Street Designs of Georgia, LLC
3050 Royal Blvd, South, Suite 125
Alpharetta, GA 30022
404.480.3881

24' Century Communities Townhomes



CENTURY
COMMUNITIES

Builder:
Century Communities, Inc.
3091 Greenport Lake Drive
Kennesaw, GA 30144
678.533.1160




Architectural Design by:
Main Street Designs of Georgia, LLC
3600 Royal Blvd. South, Suite 115
Alpharetta, GA 30022
404.486-3141

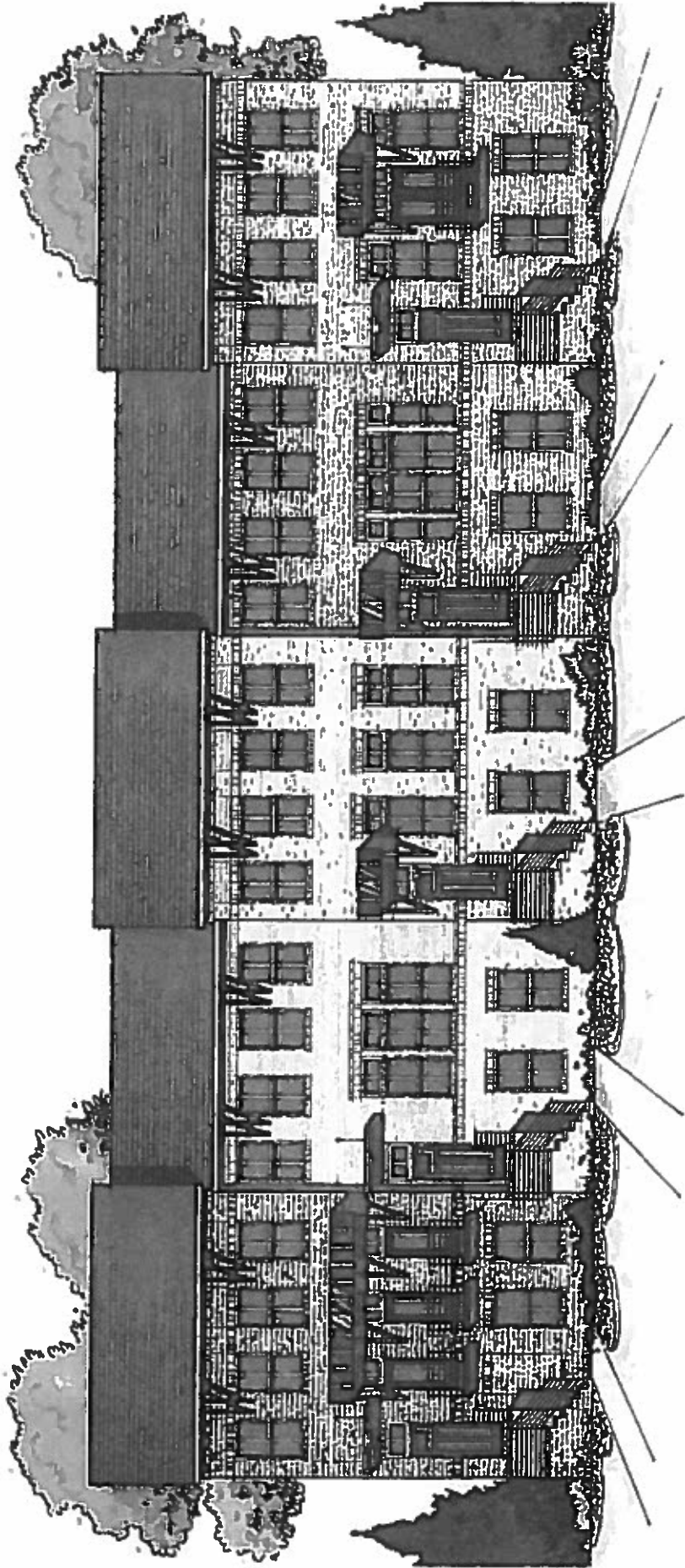


24' Century Communities Townhomes

Builder:
Century Communities, Inc.
3991 Governors Lake Drive
Norcross, GA 30071
678.533.1100



CENTURY
COMMUNITIES



Rendered Design by:
Main Street Designs of Georgia, LLC
3658 Royal Blvd. South, Suite 115
Alpharetta, GA 30022
404-480-1341

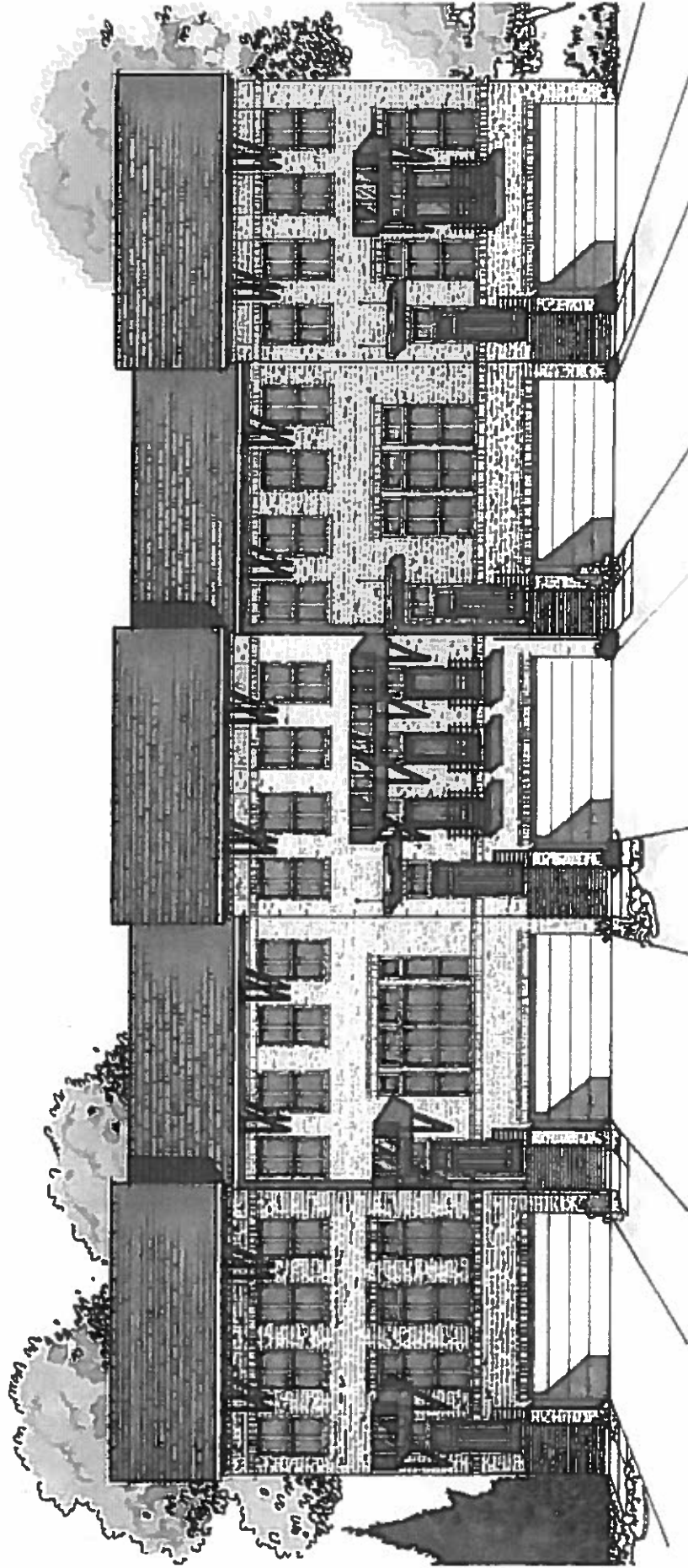


24' Century Communities Townhomes



CENTURY
COMMUNITIES

Builder:
Century Communities, Inc.
3091 Gorman Lake Drive
Norcross, GA 30071
678.533.1160



Residential Design by
Main Street Designs of Georgia, LLC
3006 Royal Blvd. South, Sear 135
Alpharetta, GA 30022
404.480.1481

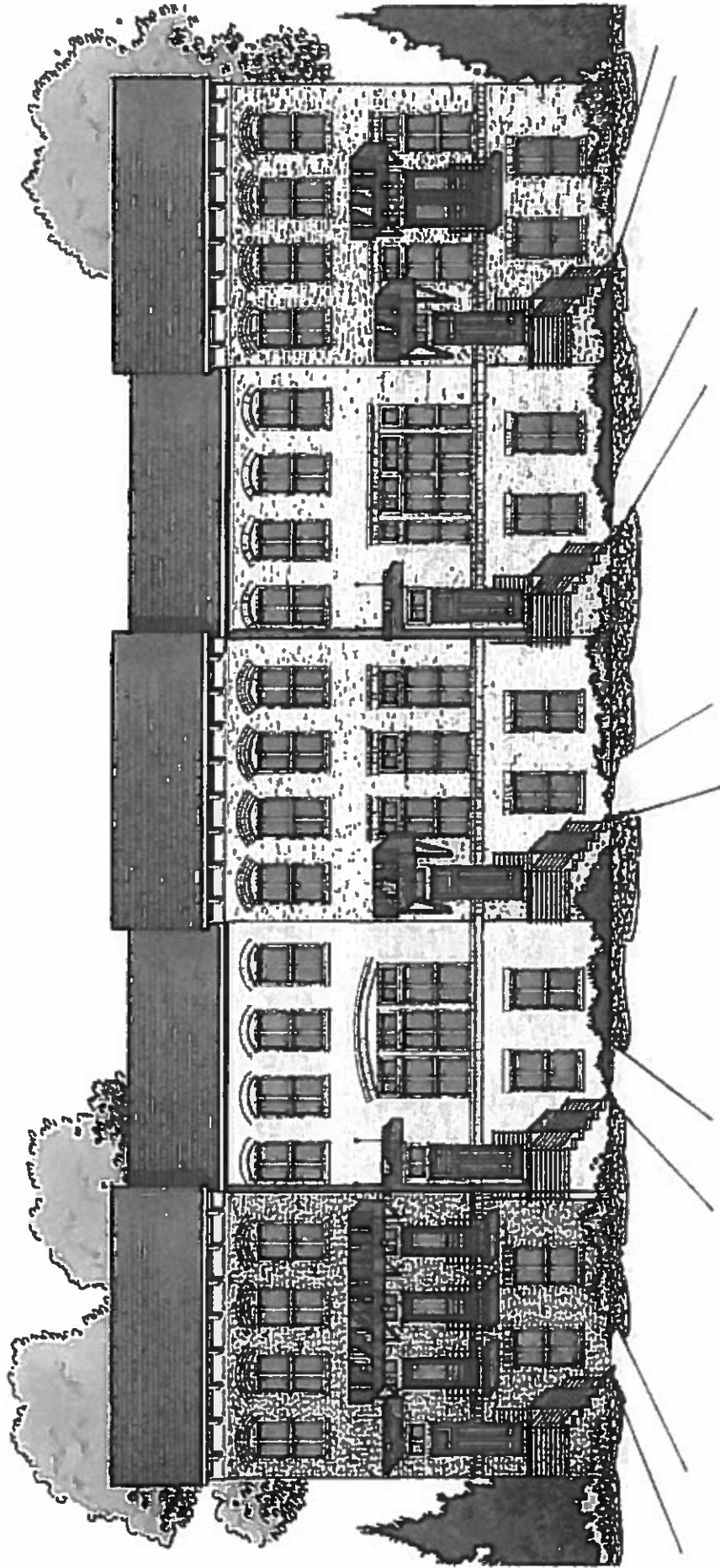


24' Century Communities Townhomes

Builder:
Century Communities, Inc.
3901 Government Lake Drive
Norcross, GA 30071
678.531.1169



CENTURY
COMMUNITIES



Residential Design by:
Main Street Designs of Georgia, LLC
3050 Royal Blvd. South, Suite 115
Alpharetta, GA 30022
404.480.1081



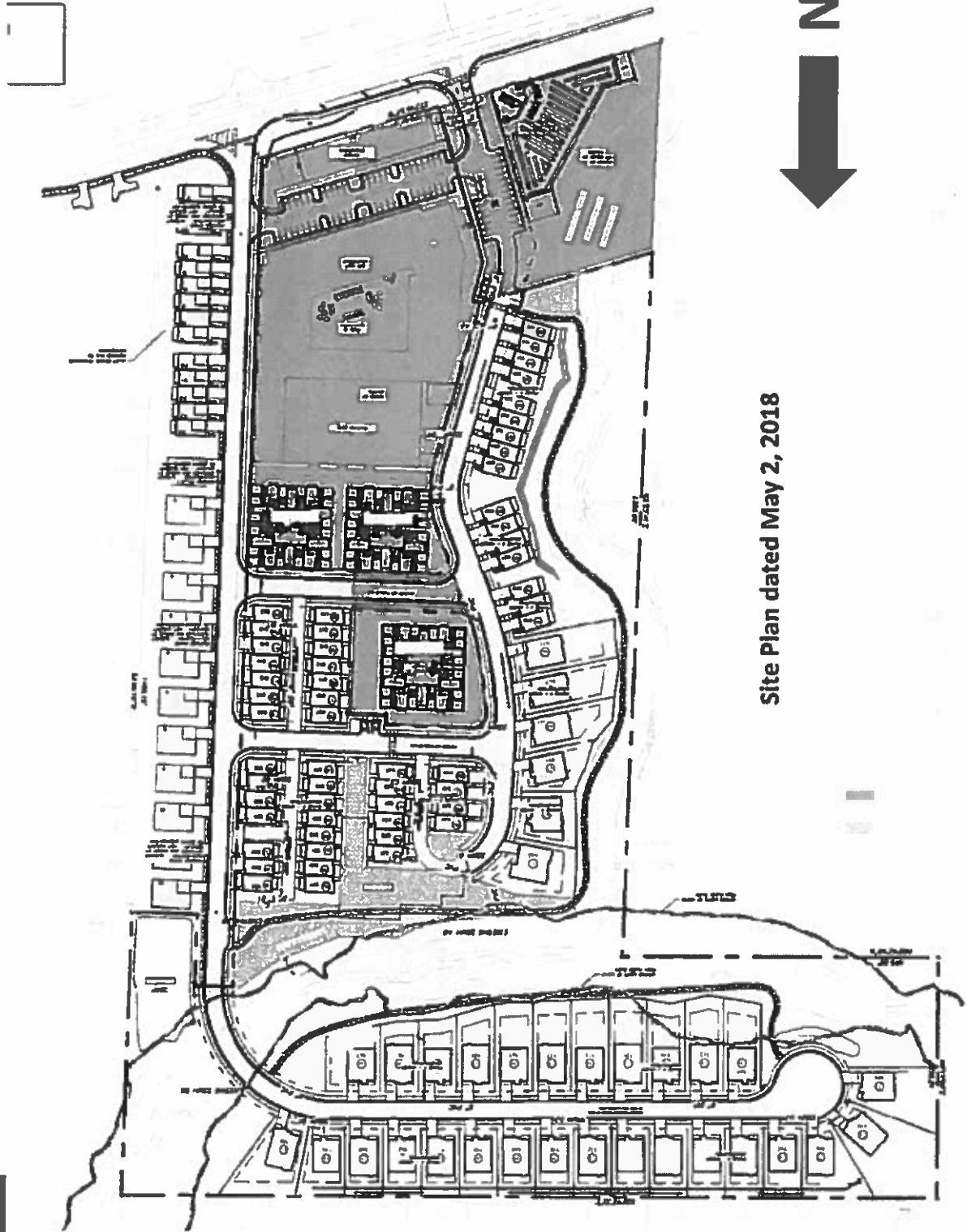
24' Century Communities Townhomes

Builder:
Century Communities, Inc.
3991 Governors Lake Drive
Norcross, GA 30071
678.531.1100



N. 8 CZ-18-22314

Site Plan

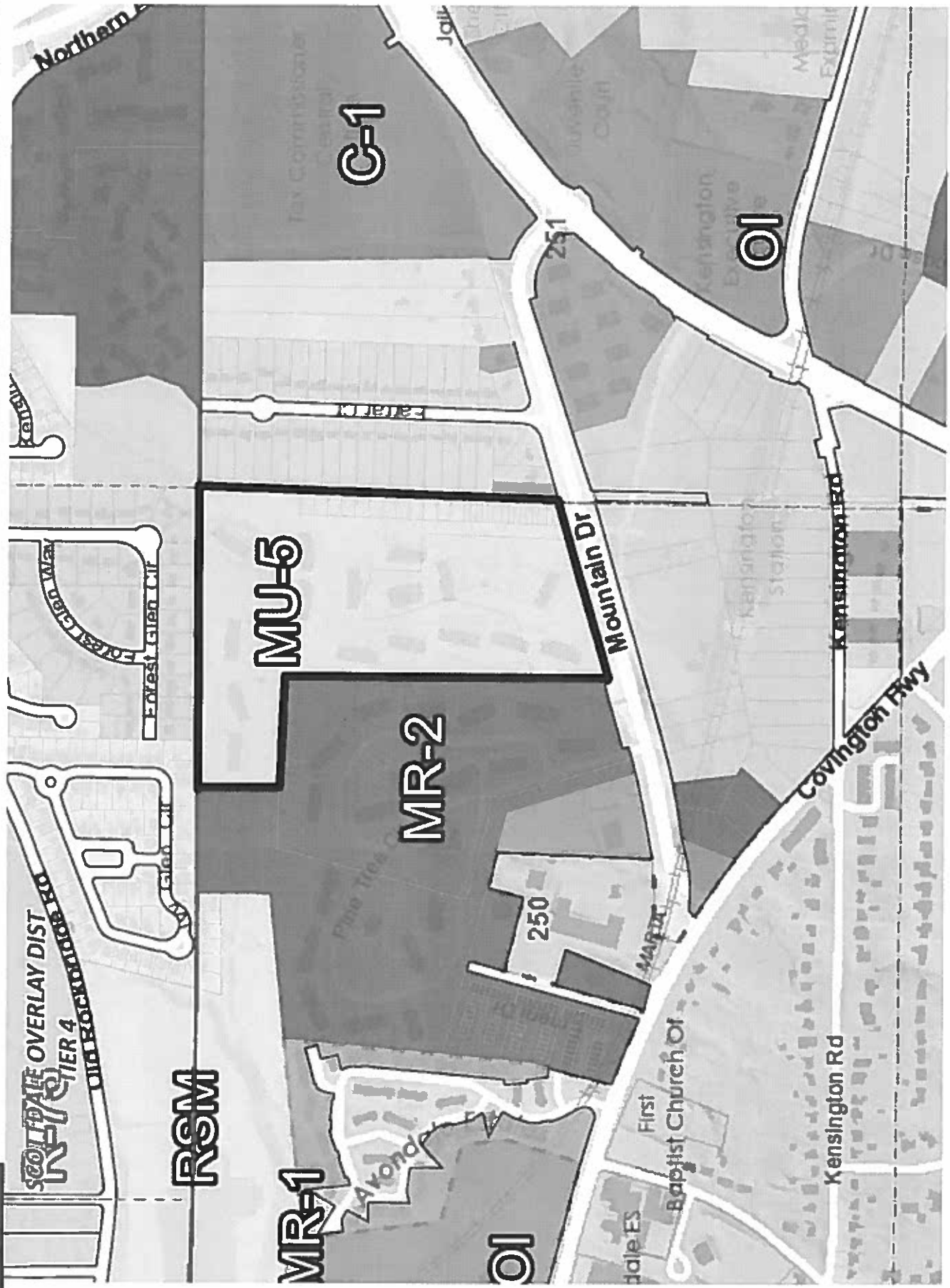


Site Plan dated May 2, 2018



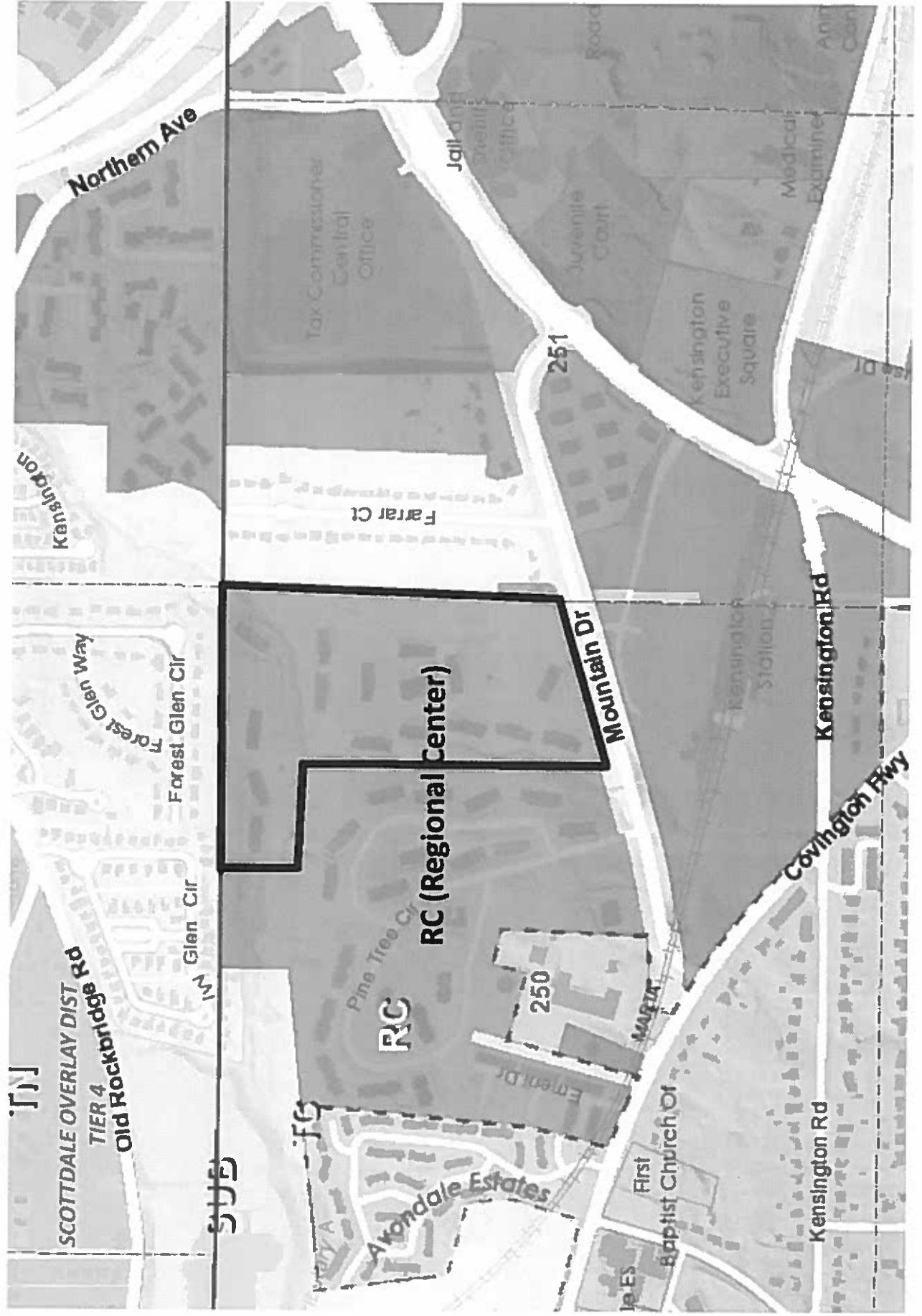
N. 8 CZ-18-22314

Zoning Map



N. 8 CZ-18-22314

Land Use Map



N. 8 CZ-18-22314

Aerial Photo



N. 8 CZ-18-22314

Topo Map



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Site Photos



West side of property.



Rear of property where townhomes are proposed. Single-family homes can be seen at right side of photo.