

Agenda Item

File ID: 2025-0366

Substitute 7/22/2025

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

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

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

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

Proposed Use: Single-family detached cluster homes.

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

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

Information Contact: John Reid, Sr. Planner

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PURPOSE:

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

RECOMMENDATION:

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

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

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

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

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

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

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

SLUP-24-1246917 (2024-0366)
Substitute Recommended Conditions – July 22, 2025
2098 & 2124 Cedar Grove Road, Conely, GA 30288

1. The maximum number of residential dwelling units must be detached (not townhomes), and shall not exceed 75 dwelling units, with a minimum square footage of 1,200 square feet. Limiting the number of units shall allow the removal the Bouldercrest entrance/exit access and allow for a larger green space on the eastern side of the property with inter parcel accessibility. Any request to increase the number of units shall be deemed a major change, and thus, subject to major modification procedures, per Section 7.3.10 of the DeKalb County Zoning Ordinance.
2. No less than 25% of the site shall be maintained as open space, this shall not include stream buffers and floodplain areas.
3. Pedestrian trails which connect the project with the open space and park areas from Bouldercrest Road and Cedar Grove Road shall be provided prior to the issuance of any building permits.
4. All internal streets shall be private. Transportation improvements including but not limited to right-of-way dedications, landscape strips, sidewalks/multi-use paths, shall be as required by the DeKalb County Transportation Department.
5. Prior to the issuance of any certificates of occupancy, the two pocket parks shall be completed.
6. The approval of this SLUP application by the Board of Commissioners shall have no bearing on the requirements for other regulatory approvals under authority of the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity.
7. The owner of the Subject Property acknowledges that they are the current owner of the property located at 3345 Bouldercrest Road and that they will work cooperatively with the community and the District 3 & 6 Commissioners to redevelop the property for a use that is for the community and neighborhood benefit.
8. A maximum of 10% of the residential dwelling units may be renter occupied, which shall be included in the HOA covenants.
9. Prior to the issuance of any certificates of occupancy, a landscape plan and pocket park plan shall be approved by the District 3 & 6 Commissioners.
10. A minimum of 10% of the residential dwelling units shall be developed based on Senior Housing standards, and shall be single-story units located along the eastern side of the site plan with multi-use trail access.
 1. “Senior Housing” units shall incorporate the following:
 - a. At least one (1) step free entrance to the main floor at either the front or side of the structure. If only one (1) is provided, it shall not be from a patio or raised deck.

- b. Main floor of each unit shall include a kitchen, entertaining area, and master bedroom with full bathroom.
- c. Every door on the main floor shall provide a minimum width of thirty-four (34) inches of clear passage.
- d. Blocking shall be installed in the master bath around toilet, tub, and shower for placement or future placement of grab bars.
- e. Additional closet rod brackets to allow potential access from a wheelchair.
- f. Provide Lever door handles instead of door knobs for easier opening and closing of doors.

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