

## SUBSTITUTE

Public Hearing: YES  NO

Department: Planning & 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:** D6-2024-0366 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

**INFO. CONTACT:** John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

### 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.

**PLANNING STAFF:** Approval with Conditions.

**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 lowintensity 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 8, 2025**  
**2098 & 2124 Cedar Grove Road, Conely, GA 30288**

1. The maximum number of residential dwelling units must not exceed 79 units. 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.

