

**AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP**

**AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP IN ORDER TO REZONE PROPERTY FROM R-75 (RESIDENTIAL MEDIUM LOT) DISTRICT TO MU-1 (MIXED USE LOW DENSITY) DISTRICT TO DEVELOP 60 ATTACHED TOWNHOME UNITS AND APPROXIMATELY 40,000 SQUARE FEET OF RETAIL DEVELOPMENT. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF COVINGTON HIGHWAY, BEGINNING AT THE NORTHWEST INTERSECTION OF COVINGTON HIGHWAY AND PORTER ROAD AT 3780, 3770, 3764, 3762 AND 3756 COVINGTON HIGHWAY. THE PROPERTY HAS APPROXIMATELY 350 FEET OF FRONTAGE ALONG THE NORTH SIDE OF COVINGTON HIGHWAY AND CONTAINS 11 ACRES.**

**APPLICANT: Ralston George**

**OWNER:**

**COMMISSION DISTRICTS: 4 & 6**

**WHEREAS**, Ralston George has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located at 3780, 3770, 3764, 3762 and 3756 Covington Highway, and more particularly described as follows:

All that tract or parcel of land and being in **District 15, Land Lot 219, Block 01, Parcels 007, 008, 009, 010 & 011** of DeKalb County, Georgia, containing 11 acres, and

**WHEREAS**, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article VII, Division 3, Section 27-7.3 for amending the DeKalb County Zoning Ordinance for the subject property from R-75 District to MU-1 District.

**THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:**

**Part 1:** Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, set forth in Section 27, Article 1.1 & 7.3 of the DeKalb County Zoning Ordinance, an amendment to rezone from R-75 (Residential Medium Lot) District to MU-1 (Mixed Use Low Density) District to develop 60 attached townhome units and approximately 40,000 square feet of retail development. The property is located on the north side of Covington Highway beginning at the northwest intersection of Covington Highway and Porter Road at 3780, 3770, 3764, 3762 and 3756 Covington Highway. The property has approximately 350 feet of frontage along the north side of Covington Highway, contains 11 acres and is hereby approved, (with conditions).

**Part 2:** That if this amendment is approved conditionally, and under the provisions of Section 27-7.3.9 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Part 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance.

**Part 3:** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Part 4:** This ordinance, hereby approved, does not authorize the violation of any Zoning District Regulations. District regulation variances can be approved in accordance with Chapter 27, Article VII, Division 5.

April 23, 2019

Z-19-1235327

2018-3074

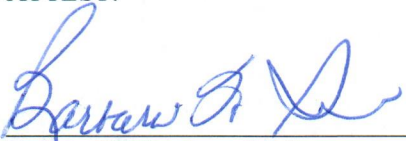
ADOPTED by the DeKalb County Board of Commissioners this 23<sup>RD</sup> day of April 2019.



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Jeff Rader  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

ATTEST:



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Barbara H. Sanders, CCC  
Clerk to the Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**REQUESTED BY APPLICANT:**

Application of Ralston George to rezone from R-75 (Residential Medium Lot) District to MU-1 (Mixed Use Low Density) District to develop 60 attached townhome units and approximately 40,000 square feet of retail development.

**RECOMMENDATIONS****PLANNING AND SUSTAINABILITY DEPARTMENT RECOMMENDATION:**

**Approval with Conditions.** The zoning proposal to the MU-1 (Mixed Use Low Density) District is consistent with the following policies of the 2035 Comprehensive Plan: Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents. Mixed use developments shall include a variety of home styles, densities and price ranges in locations that are accessible to jobs and services. The development as proposed is suitable given it is nearby C-2 (General Commercial), C-1 (Local Commercial) and O-I (Office-Institutional) zoned districts west of the site along Covington Highway. The rezoning request to the MU-1 District provides an appropriate transition of land use along Covington Highway from higher to lower density residential and from C-2 to MU-1 to R-75 (Residential Medium Lot) District on the east side of Porter Road. Transportation improvements as required by GDOT and DeKalb County Public Works Department will help mitigate the impact on traffic in the area. Adherence to site development standards for the MU-1 zoning district and Staff recommended conditions should provide an esthetically pleasing development for County residents on the vacated site and improve the visual appearance on Covington Highway. Per Planning Staff request, the applicant submitted a traffic study and archeology study to further evaluate the impact of the proposed development on the subject site. The traffic study (see attached) basically concluded that the study intersections (Porter Road and Covington Highway) will continue to operate at acceptable levels of service, in the future year 2020 with the proposed development. Since the proposed development's traffic impacts to the adjacent roadways are minimal and do not alter the level of service grade at the existing intersections, traffic mitigation is not required. Planning Staff worked with the Transportation Division of the Public Works Department to implement streetscape and landscape improvements to enhance the quality of the development, which have been included in the attached recommend conditions. The applicant contracted with R.S. Webb & Associates to conduct an archeology study (see attached) on a portion of the site near Porter Road. The intent of the study was to determine the possible existence of human graves on the site given the site's location in close proximity to the Porter Road Cemetery. The archeology study basically concluded that in no instances were contiguous areas of loose soil encountered that would suggest the presence of one or more human graves. The only location where probing could not be conducted to search for graves was an area where a 25-foot concrete drive way apron was present along Porter Road. Planning recommends the following conditions should the Board of Commissioners approve the rezoning request:

1. The property shall be developed for no more than 60 attached townhome units and 40,000 square feet of retail uses per the site plan dated January 15, 2019, submitted to the Planning and Sustainability Department on January 18, 2019 and the submitted landscape plan dated 04-04-19. Site plan is conceptual and layout and building design shall be subject to approval of the Director of Planning and Sustainability Department.

2. Provide outdoor amenity areas (pocket park, playground, gazebo and courtyard) in compliance with enhanced open space areas as defined per Chapter 27, Article 5 of the DeKalb County Code of Ordinances, in the areas shown on the submitted site plan.
3. Vehicular ingress and egress and road improvements along Covington Highway shall be determined and subject to approval by Georgia Department of Transportation (GDOT).
4. No more than two (2) vehicular ingress and egress from Porter Road (one for commercial, one for residential) subject to review and approval by the DeKalb County Department of Public Works, Transportation Division. A deceleration lane shall be constructed as may be required by the Department of Public Works.
5. Dedicate at no cost to DeKalb County 27.5 feet of right-of-way from centerline along Porter Road.
6. Buildings along Covington Highway may be setback from original right-of-way line.
7. Improve Porter Road along entire property frontage (pavement and curb & gutter), 12 feet from center line to face of curb.
8. Provide 6-foot wide sidewalk with 4-foot offset from back of curb along entire property frontage of Porter Road. Include 2-foot wide grass lighting strip and 6-foot wide landscape strip from back of lighting strip. Sidewalks may go behind power poles if necessary.
9. Provide 6-foot wide sidewalk with 5-foot offset from back of curb along entire property frontage of Covington Highway. Include 2-foot wide grass lighting strip and 10-foot wide landscape strip from back of sidewalk. Five-foot offset will be planted with an evergreen hedge with a mature height not to exceed 30 inches, subject to approval by Georgia Department of Transportation (GDOT).
10. Provision of bike lanes or as may be required by the DeKalb County Department of Public Works, Transportation Division.
11. No truck loading access from Porter Road.
12. Construction access on Porter Road shall be prohibited. No Land Disturbance Permit (LDP) shall be issued on the site until satisfaction of all requirements for the protection of the adjacent Porter Road cemetery as required by the Georgia Department of Natural Resources, Historic Preservation Division (HPD).
13. All building facades visible from Covington Highway and Porter Road shall consist of a minimum of 40% stone and/or brick. No vinyl or exposed concrete block is allowed.
14. Architectural accents, where utilized shall consist of non-reflective glass, natural stone, glass block, pre-cast concrete, brick, terra cotta, hardi-plank or wood.
15. Roof materials shall not consist of any reflective surface.
16. Provide a landscape plan for the entire development for approval by the Director of Planning and Sustainability. Landscape plan shall be implemented prior to the issuance of Certificate of Occupancy for townhouse units.

17. Provide pedestrian scale lighting per Article 5 along Covington Highway and Porter Road.
18. Provide a soft mulch trail around detention pond.
19. Provide pet refuse in areas of open space.
20. If fencing is proposed around play area, it shall be black or green clad chain link, four (4) feet in height.
21. Signage shall be one (1) ground monument sign on each property frontage, six (6) feet in height with a brick base.
22. Crosswalks may be provided on Porter Road, subject to requirements of Public Works.

**PLANNING COMMISSION RECOMMENDATION:**

**Approval with Conditions 7-1-0.** L. Osler moved, A. Atkins seconded for approval with Staff's conditions. T. Snipes opposed.

**BOARD of COMMISSIONERS FINAL ACTION:**

**April 23, 2019, Approval with the Substitute Staff conditions, with amendments to condition #: 4, 8, 16 and 21 (attached), submitted by Commissioner Gannon.**

**BOARD of COMMISSIONERS FINAL CONDITIONS:****April 23, 2019**

1. The property shall be developed for no more than 60 attached townhome units and 40,000 square feet of retail uses per the site plan dated January 15, 2019, submitted to the Planning and Sustainability Department on January 18, 2019 and the submitted landscape plan dated 04-04-19. Site plan is conceptual and layout and building design shall be subject to approval of the Director of Planning and Sustainability Department.
2. Provide outdoor amenity areas (pocket park, playground, gazebo and courtyard) in compliance with enhanced open space areas as defined per Chapter 27, Article 5 of the DeKalb County Code of Ordinances, in the areas shown on the submitted site plan.
3. Vehicular ingress and egress and road improvements along Covington Highway shall be determined and subject to approval by Georgia Department of Transportation (GDOT).
4. No more than two (2) vehicular ingress and egress points from Porter Road (one for commercial, one for residential) shall be permitted. The residential ingress and egress will be the furthest north ingress/egress point shown on the site plan, and the middle ingress and egress point shall not be constructed. This space shall be landscaped.
5. Dedicate at no cost to DeKalb County 27.5 feet of right-of-way from centerline along Porter Road.
6. Buildings along Covington Highway may be setback from original right-of-way line.
7. Improve Porter Road along entire property frontage (pavement and curb & gutter), 12 feet from center line to face of curb.
8. Along the Porter Road right-of-way, the streetscape shall consist of curb and gutter; a two-foot wide offset strip landscaped with small shrubs not to exceed 30 inches in height; a five-foot wide sidewalk; a two-foot wide grass strip to provide lighting fixtures as specified by the DeKalb Public Works Department; and a four-foot wide landscaping strip for street trees as approved by the County arborist. Sidewalks may meander to avoid and protect any valuable trees.
9. Provide 6-foot wide sidewalk with 5-foot offset from back of curb along entire property frontage of Covington Highway. Include 2-foot wide grass lighting strip and 10-foot wide landscape strip from back of sidewalk. Five-foot offset will be planted with an evergreen hedge with a mature height not to exceed 30 inches, subject to approval by Georgia Department of Transportation (GDOT).
10. Provision of bike lanes or as may be required by the DeKalb County Department of Public Works, Transportation Division.
11. No truck loading access from Porter Road.
12. Construction access on Porter Road shall be prohibited. No Land Disturbance Permit (LDP) shall be issued on the site until satisfaction of all requirements for the protection of the adjacent Porter Road cemetery as required by the Georgia Department of Natural Resources, Historic Preservation Division (HPD).

13. All building facades visible from Covington Highway and Porter Road shall consist of a minimum of 40% stone and/or brick. No vinyl or exposed concrete block is allowed.
14. Architectural accents, where utilized shall consist of non-reflective glass, natural stone, glass block, pre-cast concrete, brick, terra cotta, hardi-plank or wood.
15. Roof materials shall not consist of any reflective surface.
16. Provide a landscape plan consistent with the plan submitted on April 4, 2019 for the entire development for approval by the County Arborist and Director of Planning and Sustainability. This plan shall include shrubs and street trees to be planted in the designated landscape strips along Porter Road and Covington Highway. This landscape plan shall be implemented prior to the certificate of occupancy for any townhouse unit in the development.
17. Provide pedestrian scale lighting per Article 5 along Covington Highway and Porter Road.
18. Provide a soft mulch trail around detention pond.
19. Provide pet refuse in areas of open space.
20. If fencing is proposed around play area, it shall be black or green clad chain link, four (4) feet in height.
21. There shall be one ground monument sign no taller than 6 feet along Covington Highway for the commercial businesses. There may be one monument sign no taller than 4 feet along Porter Road for the townhouse community.
22. Crosswalks may be provided on Porter Road, subject to requirements of Public Works.

Comm. 4+6

2019-  
Item No. 3074 Date: 4-23-19  
Comm. Gannon + Bradshaw  
Clerk's Office

### RECOMMENDED CONDITIONS

Z-19-1235327

Townhomes & Retail Development

1. The property shall be developed for no more than 60 attached townhome units and 40,000 square feet of retail uses per the site plan dated January 15, 2019, submitted to the Planning and Sustainability Department on January 18, 2019 and the submitted landscape plan dated 04-04-19. Site plan is conceptual and layout and building design shall be subject to approval of the Director of Planning and Sustainability Department.
2. Provide outdoor amenity areas (pocket park, playground, gazebo and courtyard) in compliance with enhanced open space areas as defined per Chapter 27, Article 5 of the DeKalb County Code of Ordinances, in the areas shown on the submitted site plan.
3. Vehicular ingress and egress and road improvements along Covington Highway shall be determined and subject to approval by Georgia Department of Transportation (GDOT).
4. No more than two (2) vehicular ingress and egress from Porter Road (one commercial, one residential) subject to review and approval by the DeKalb County Department of Public Works, Transportation Division. A deceleration lane shall be constructed as may be required by the Department of Public Works.
5. Dedicate at no cost to DeKalb County 27.5 feet of right-of-way from centerline along Porter Road.
6. Buildings along Covington Highway may be setback from original right-of-way line.
7. Improve Porter Road along entire property frontage (pavement and curb & gutter), 12 feet from center line to face of curb.
8. Provide 6-foot wide sidewalk with 4-foot offset from back of curb along entire property frontage of Porter Road. Include 2-foot wide grass lighting strip and 6-foot wide landscape strip from back of lighting strip. Sidewalks may go behind power poles if necessary.
9. Provide 6-foot wide sidewalk with 5-foot offset from back of curb along entire property frontage of Covington Highway. Include 2-foot wide grass lighting strip and 10-foot wide landscape strip from back of sidewalk. Five-foot offset will be planted with an evergreen hedge with a mature height not to exceed 30 inches, subject to approval by Georgia Department of Transportation (GDOT).

*see Additional Conditions*

*4/23/19*



10. Provision of bike lanes or as may be required by the DeKalb County Department of Public Works, Transportation Division.
11. No truck loading access from Porter Road.
12. Construction access on Porter Road shall be prohibited. No Land Disturbance Permit (LDP) shall be issued on the site until satisfaction of all requirements for the protection of the adjacent Porter Road cemetery as required by the Georgia Department of Natural Resources, Historic Preservation Division (HPD).
13. All building facades visible from Covington Highway and Porter Road shall consist of a minimum of 40% stone and/or brick. No vinyl or exposed concrete block is allowed.
14. Architectural accents, where utilized shall consist of non-reflective glass, natural stone, glass block, pre-cast concrete, brick, terra cotta, hardi-plank or wood.
15. Roof materials shall not consist of any reflective surface.
- ~~16.~~ Provide a landscape plan for the entire development for approval by the Director of Planning and Sustainability. Landscape plan shall be implemented prior to the issuance of Certificate of Occupancy for townhouse units.
17. Provide pedestrian scale lighting per Article 5 along Covington Highway and Porter Road.
18. Provide a soft mulch trail around detention pond.
19. Provide pet refuse in areas of open space.
20. If fencing is proposed around play area, it shall be black or green clad chain link, four (4) feet in height.
- ~~21.~~ Signage shall be one (1) ground monument sign on each property frontage, six (6) feet in height with a brick base.
22. Crosswalks may be provided on Porter Road, subject to requirements of Public Works.

**Additional Conditions as part of the Motion**  
**Z-19-1235327**  
**Submitted by Commission Gannon**  
**April 23, 2019**

The following four conditions replace staff recommended conditions numbered 4, 8 and 16. These conditions are added by Commissioner Gannon in the motion for approval.

Condition #4 is replaced as follows: No more than two vehicular ingress and egress points from Porter Road (one for commercial and one residential) shall be permitted. The residential ingress and egress will be the furthest north ingress/egress point shown on the site plan, and the middle ingress and egress point shall not be constructed. This space shall be landscaped.

Condition #8 is replaced as follows: Along the Porter Road right-of-way, the streetscape shall consist of curb and gutter; a two-foot wide offset strip landscaped with small shrubs not to exceed 30 inches in height; a five-foot wide sidewalk; a two-foot wide grass strip to provide lighting fixtures as specified by the DeKalb Public Works Department; and a four-wide landscaping strip for street trees as approved by the County arborist. Sidewalks may meander to avoid and protect any valuable trees

Condition #16 is replaced as follows: Provide a landscape plan consistent with the plan submitted on April 4, 2019 for the entire development for approval by the County Arborist and Director of Planning and Sustainability. This plan shall include shrubs and street trees to be planted in the designated landscape strips along Porter Road and Covington Highway. This landscape plan shall be implemented prior to the certificate of occupancy for any townhouse unit in the development.

Condition #21 is replaced as follows: There shall be one ground monument sign no taller than 6 feet along Covington Highway for the commercial businesses. There may be one monument sign no taller than 4 feet along Porter Road for the townhouse community.

  
\_\_\_\_\_ Kathie Gannon

  
\_\_\_\_\_ Steve Bradshaw