

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO MODIFY CONDITIONS OF ZONING FOR A MAJOR MODIFICATION TO REMOVE ALL CONDITIONS ON PROPERTY ZONED MR-2 (MEDIUM DENSITY RESIDENTIAL -2) DISTRICT, PURSUANT TO CZ-05033 FOR 149 SINGLE-FAMILY ATTACHED TOWNHOMES IN ORDER TO DEVELOP 291 APARTMENT UNITS AT A DENSITY OF 24 UNITS PER ACRE WITHIN TIER 2 OF THE I-20 OVERLAY DISTRICT, AT 2128 & 2170 COOK ROAD. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF COOK ROAD APPROXIMATELY 965 FEET EAST FROM THE INTERSECTION WITH FLAT SHOALS ROAD AT 2128 AND 2170 COOK ROAD. THE PROPERTY HAS APPROXIMATELY 553 FEET OF FRONTAGE ALONG COOK ROAD AND CONTAINS 12.135 ACRES.

APPLICANT: Scott Bennett

OWNER:

COMMISSION DISTRICTS: 3 & 6

WHEREAS, Scott Bennett has filed an application to amend the DeKalb County Zoning Ordinance to amend the conditions of zoning for property located at 2128 & 2170 Cook Road, and more particularly described as follows:

All that tract or parcel of land and being in **District 15, Land Lot 140, Block 03, Parcels 018 & 020** of DeKalb County, Georgia, containing 12.135 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 27-7.3.5 & Section 27-7.3.9 for amending the DeKalb County Zoning Ordinance for the subject property from MR-2 (conditional) District to MR-2 (conditional) 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 27-7.3.9 of the DeKalb County Zoning Ordinance, to allow a zoning modification to remove all conditions on property zoned MR- 2 (Medium Density Residential-2) District pursuant to CZ-05033 for 149 single-family attached townhomes in order to develop 291 apartment units at a density of 24 units per acre within Tier 2 of the I-20 Overlay District. The property is located on the north side of Cook Road, approximately 965 feet east from the intersection with Flat Shoals Road. The property has approximately 553 feet of frontage along Cook Road, contains 12.135 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 attached to this ordinance.

Part 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

MARCH 26, 2019

CZ-19-1235305

2018-3068

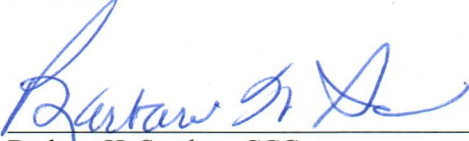
Part 4: This ordinance, hereby approved, does not authorize the violation of any Zoning District Regulations, District regulations, or variances that can be approved in accordance with Chapter 27, Article VII, Division 5.

ADOPTED by the DeKalb County Board of Commissioners this 26th day of March 2019.



Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

ATTEST:



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

REQUESTED BY APPLICANT:

Application of Scott Bennett to request a major modification to remove all conditions on property zoned MR- 2 (Medium Density Residential-2) District pursuant to CZ-05033 for 149 single-family attached townhomes in order to develop 291 apartment units at a density of 24 units per acre within Tier 2 of the I-20 Overlay District.

RECOMMENDATIONS**PLANNING AND SUSTAINABILITY DEPARTMENT RECOMMENDATION:**

Approval of Substitute with Conditions. Given the DeKalb County Zoning Code update in 2015 and the adoption of the I-20 Overlay District, applicants can utilize applicable codes where appropriate to encourage and enforce current plan policies on undeveloped properties. Staff's review includes the current DeKalb County Zoning Code standards and two of the original approved conditions pursuant to CZ-05033. Condition 3 addressed workforce housing units and Condition 10 specifically addressed the type of outdoor recreation. These conditions are a matter of Legislative will exercised by the Board of Commissioners and should only be deleted by their action. Therefore, the Department of Planning and Sustainability recommends, "Approval, subject to revised conditions:"

1. Develop under the MR-2 District for use and density allowed by the MR-2 and Town Center character area designation and bonus density chart in Article 2 of the DeKalb County Zoning Code as follows:
 - **Base Density:** 12 units per acre
 - **Additional Enhanced Open Space:** (20% of overall development nets 50% greater base density which calculates to an additional 6 units)- 18 units per acre
 - **LEED Certification:** 50% greater base density for an additional 6 more units- 24 units per acre

Approval is not based on the site plan submitted with this application. Final site plan must be provided to the Director of Planning & Sustainability to review and approve for compliance to I-20 Overlay District standards and compliance to development standards per Article 2 and Article 5 of the DeKalb County Code prior to submittal of a Land Disturbance Permit (LDP) and/or Building Permit (BP) application. Submittal documents must include building elevations with labeled building materials and colored site rendering; landscape plan; documentation demonstrating compliance to bonus qualifiers such as LEED certification for density increase design; and detailed plans for open space and playground areas (recreation equipment and park benches).

2. The Subject Property shall price 20% of the total number of units at a level that an individual whose income is 80% of the medium income for DeKalb County can qualify to purchase these units. Additionally, the Applicant shall make good faith efforts to market these workforce units for a minimum of six months to County public service employees (i.e., policemen, fireman, public school teachers, etc.) and returning United States veterans. The Applicant shall coordinate its efforts to offer workforce housing within the proposed development with the DeKalb County Human and Community Development Department.
3. Any exterior lights shall be screened, shielded, and/or shaded where necessary so as to minimize glare and the casting of light outside the new development.
4. Underground utilities shall be utilized except in specific areas where the Director of Planning and Sustainability has determined that an impediment exists.
5. The Developer shall install a swimming pool for the residents of the proposed development.
6. The Association Covenants shall restrict the parking of any buses, boats, and tractor trailers and shall preclude the use of the property for any commercial automotive repairs.

7. Development standards (sidewalks, landscaping, streetscape, etc.) unless required in the I-20 Overlay District, shall comply with Article 5 – Site Design and Building form standards of the DeKalb County Zoning Code.
8. Cell towers shall be prohibited on the subject site.

PLANNING COMMISSION RECOMMENDATION:
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Full Cycle Deferral 6-2-0. V. Moore moved, J. Johnson seconded for a full cycle deferral. P. Womack, Jr. and J. West opposed.

BOARD of COMMISSIONERS FINAL ACTION
MARCH 26, 2019

BOARD OF COMMISSIONERS:

March 26, 2019, Approval of substitute with removal of condition #2 and with a modification to condition #6, changing "The Association Covenants" to "HoA Documents".

FINAL CONDITIONS

1. Develop under the MR-2 District for use and density allowed by the MR-2 and Town Center character area designation and bonus density chart in Article 2 of the DeKalb County Zoning Code as follows:
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