

Agenda Item

File ID: 2021-2641

Substitute

2/22/2022

Public Hearing: YES NO

Department: Planning and Sustainability

COMMISSION DISTRICT(S): Commission District 4; Super District 6

SUBJECT:

Application of Mosaic Communities c/o Battle Law to rezone properties from R-85 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to allow single-family cottages, conventional single-family detached homes, urban single family attached and detached units, and duplexes, 3943 Norman Road.

PETITION NO: Z-21-1244893 (2021-2641)

PROPOSED USE: Single-family cottages, single-family detached conventional, urban single-family detached and attached units, and duplexes.

LOCATION: 3943 Norman Road

PARCEL NO. : 18-095-03-005; 18-095-03-006; 18-095-03-008; 18-095-03-009; 18-095-03-090; 18-095-03-094

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-4950

PURPOSE:

Application of Mosaic Communities c/o Battle Law to rezone properties from R-85 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to allow conventional single-family detached homes, urban single family attached and detached units, and duplexes. The property is located on south side of Norman Road, approximately 292 feet west of Viking Drive and at the terminus of Spartan Lane at 3943, 4021, 4029, 4039, 4069, and 4083 Norman Road in Stone Mountain, Georgia. The property has approximately 775 feet of frontage along Norman Road and contains 35 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval with conditions.

PLANNING COMMISSION: Approval with conditions.

PLANNING STAFF: Approval with conditions (Revised 2/22/22).

STAFF ANALYSIS: Since the November 18th (2021) Board of Commissioners meeting and the January 6th (2022) Planning Commission meeting, the applicant has submitted a revised plan (see attached revised plan dated 1/10/22) which has decreased the number of units from 174 to 120, decreased the density from 4.97 to 3.5 units per acre, incorporated single-family detached fee-simple lots along the perimeter of the project site, and demonstrated compliance with the perimeter lot compatibility requirements of the zoning ordinance (i.e. proposed lots along the eastern and southern perimeter of the site are at least 80% as wide as abutting

subdivision lots with a 20-foot transitional buffer). Taken as a whole, the revised proposal contains a mixture of housing options that are designed to preserve a unique environmental feature (Spivey Lake) and blend with existing development patterns via vegetated transitional buffers and maximum two-story building heights. The conceptual layout of the Plan with the proposed single-family detached lots along the entire perimeter of the site, maximum two-story building heights, significant open space, and a maximum of 120 total residential units appear to be compatible with the surrounding area (Sec 7.3.5.B). The plan also provides more than the minimum degree of open space along with opportunities for active and passive recreation for the immediate and surrounding community, and streetscape improvements. The applicant's traffic impact study did not produce findings indicating significant impact on the existing road network or the need for significant network improvements. A collaborative effort between the applicant and community over the past several weeks have resulted in recommended zoning conditions. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be "Approved" with Staff's recommended conditions.

PLANNING COMMISSION VOTE: Approval with conditions 9-0-0. LaSonya Osler moved, Jana Johnson seconded for Approval with the applicant's conditions.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval with conditions 11-1-0. The Council recommended approval with the conditions currently in the revised plan shown to the council on December 14th which include a minimum of 60% open space.

PROPOSED ZONING CONDITIONS – SPIVEY LAKE – 2/22/22
Z-21-1244893
2021-2641

1. The approval of this rezoning application by the Board of Commissioners shall have no bearing on the requirements for other regulatory approvals under the 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.
2. Administrative and major modifications of the approved set of zoning conditions, subject to Section 7.3.10 of the *Zoning Ordinance*, shall be communicated via email to the Norman Road Neighbors (the “NRN Representative”) group leadership and verified by County staff prior to application submission.
3. A buffer of at least 40 feet shall be installed and maintained along the perimeter of the entire proposed development (i.e., 18-095-03-005, 18-095-03-006, 18-095-03-008, 18-095-03-009, 18-095-03-090, and 18-095-03-094). At least 20-feet of the 40-foot-wide buffer shall be vegetated. Two exceptions relating to the property buffer along Norman Road shall be made for parcels 18-095-03-090 and 18-095-03-006 and 18 095 03 094 (the “Northwest Parcel”) as follows:
 - a. A 20-foot vegetated buffer shall be installed and/or maintained along the northern and western perimeter of Lot #32 (abutting 4019 Norman Road).
 - b. No vegetated buffer shall be required along Norman Road for Lot #31, adjacent to 4029 Norman Road.
4. There shall be only single-family, detached homes (i.e., conventional, cottage, and urban-single family dwellings) and single-family, attached homes (i.e., duplexes) constructed at the Site. No townhomes or triplexes shall be permissible. All homes shall be at least 1,000 heated square feet. No home shall exceed two stories.
 - a. The “Main Site Perimeter” (defined as the homes to the east of Spivey Lake on parcels 18-095-03-005, 18-095-03-009, and 18-095-03-008 along the perimeter of the site parallel to Norman Road, parallel to Viking Drive, and parallel to Bontura Court) shall have conventional, single-family, detached homes with two car garages.
 - b. Homes on the “Main Site” (defined as all land to the east of Spivey Lake on parcels 18-095-03-005, 18-095-03-009, 18-095-03-006 and 18-095-03-008) that back to Spivey Lake and are numbered lots 22-30 on the Board of Commissioners approved site plan, dated 1-10-22, shall have conventional, single-family, detached homes with garages.
 - c. Lots 31 and 32 shall only contain single-family, detached, conventional homes with two-car garages.
5. There shall be general compliance with the locations of single-family, detached homes (i.e., conventional, cottage, and urban, single-family dwellings) and two-family, dwellings (i.e., duplexes) shown on the Board of Commissioners approved site plan, dated 1-10-22, entitled “Hugh Spivey Lake” by Kronberg Urbanists Architects. All homes along the east and south perimeter of the Site shall be single-family, detached, conventional lots, and shall comply with the perimeter compatibility requirements of the *Zoning Ordinance* to provide appropriate compatibility with adjacent properties. To the extent that there is any conflict between the site plan and the other approved conditions, the written conditions shall control. Changes to the location of homes due to significant engineering or topography challenges shall be permitted.
6. The maximum number of residential dwelling units must not exceed 120. 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.

- a. No less than thirty (30) single-family, detached, conventional homes shall be built on the Main Site (as defined in Condition #4b above) unless single-family, detached, conventional homes from the Final Site Plan on the Main Site are required to be removed due to issues with floodplain or buffered areas, in which case the number of single-family, detached, conventional homes on the Main Site may be reduced.
 - b. No more than eighty-eight (88) homes in total shall be urban, single-family, detached, single-family, detached cottages, or urban, single-family, attached homes (i.e., duplexes). Of these, no more than twenty-four (24) units shall be duplexes (i.e., 12 duplex structures).
 - c. No more than two (2) residential lots shall be created in the northwest portion of the site (i.e., Lots 31 and 32), in accordance with the Board of Commissioners approved site plan, dated 1-10-22, entitled “Hugh Spivey Lake” by Kronberg Urbanists Architects unless the engineering study and land topography require the removal of homes elsewhere on the Site Plan. Only in that case, shall the developer have the option to create two (2) additional lots in the northwest portion of the site (for a maximum of four (4) single-family, conventional, detached, lots), subject to compliance with the requirements of the *Zoning Ordinance*.
7. The project shall not be constructed as a rental community. Rentals of less than a one-year lease shall be prohibited, and a fifteen percent (15%) cap on the percentage of rentals shall be established. The HOA shall provide an annual rental cap compliance report regarding this provision to the Department of Planning & Sustainability—Current Planning Unit. This restriction shall be written into the covenants of the HOA described in Conditions 24 and 25.
8. The distance between homes shall be measured from foundation to foundation as follows:
- a. A minimum of 15 feet shall be required between single-family, detached, conventional homes along the Main Site Perimeter (defined as per Condition #4a above).
 - b. A minimum of 15 feet between single-family, detached, conventional homes along the eastern side of Spivey Lake (lots numbered 22-30 on the Final Site Plan) and the Northwest portion of the subject property shall be diligently pursued. If engineering studies and land topography present unexpected challenges to achieving a minimum of 15 feet between homes, a minimum of 12 feet shall be required.
 - c. A minimum of 10 feet shall be required between cottages, urban single-family detached homes, and duplexes.
9. The front façade of homes shall not face properties abutting the subject site. A 6-foot-high wooden or composite fence shall be provided behind all single-family, detached homes that abut homes along Viking Drive and Bontura Court subject to the fence materials requirement of Section 5.4.7 (as amended 2/4/20) of the *Zoning Ordinance*, where applicable. A 20-foot-wide vegetated transitional buffer shall be installed between the proposed single-family detached conventional lots and the east and south property line.
10. No less than 60% of the Site shall be maintained as enhanced and unenhanced open space, which shall include buffered and floodplain areas, Spivey Lake, and the community forest, as well as amenitized open spaces, such as the community plaza and cottage courtyards. Location and size of the proposed open space, pocket parks, and transitional buffer areas shall be in generally conformance with the Board of Commissioners approved site plan, dated 1-10-22, entitled “*Hugh Spivey Lake*” by Kronberg Urbanists Architects. Productive urban landscaping shall be incorporated into the design of and implementation of the pocket parks, transitional buffers and trails during the appropriate planting season. This productive urban landscaping shall consist of fruit bearing trees and shrubs and other plants that support pollinating insects, subject to review and approval by the County Arborist. No productive landscaping shall be installed within the floodplain and stream buffer areas of the Site.
11. An environmental consultant that is reasonably mutually agreeable to the Applicant and the NRN Representative shall be hired to review the tree preservation, tree replacement, and lake

restoration plans prior to Land Disturbance Permit application submittal and may remain available as a partner for additional consultation as needed throughout the construction period. Additionally, the Applicant shall procure and fund the services of a qualified engineer to assess all wetlands, floodplains, and stream buffers (including the areas shown as part of lots 5 and 6 on the Final Site Plan) within or adjacent to the subject properties and document those findings. Findings shall be presented to the adjacent neighborhoods along Bontura Court, Viking Drive, Spartan Lane, and Norman Road (including residents directly across from the development) prior to Land Disturbance Permit application submittal.

12. The Applicant shall comply with the *DeKalb County Tree Protection Ordinance*, including submitting to the County Arborist the required tree survey and tree protection plan for the property. A copy of the tree survey and the proposed tree protection plan shall be delivered to the NRN Representative and made available to community members, and the Applicant shall deliver proof to the County Arborist of such delivery prior to the approval of the tree protection plan for the property. No trees shall be removed within any floodplains or buffered areas of the Site, except in cases where the tree has died or is diseased and removal is recommended by a County-approved arborist. The Applicant also shall seek to preserve as many healthy specimen trees as possible elsewhere on the property, provided that the Applicant shall be able to remove specimen trees to effectuate the development of the property in accordance with the approved site plan. All ivy, wisteria, and kudzu on existing healthy trees remaining on site shall be removed prior to the recording of the final plat. Following construction completion, specimen trees may not be cut down or removed from the flood plain or buffered areas except in cases where the tree has died or is diseased and removal is recommended by a County-approved arborist. Following full build out, specimen trees may not be cut down or removed from the Site, except in cases where the tree has died or is diseased and removal is recommended by a County-approved arborist. Efforts shall be made to preserve strands of trees versus single specimen trees. In addition, healthy existing trees within the designated 20-foot vegetated buffer shall be supplemented as required in Article 5.4.5 with new evergreens, native trees, and naturalized trees with a minimum planted height of 6 feet and a projected mature height of at least 10 feet to form an effective visual screen, as approved by the County Arborist prior to the issuance of any certificates of occupancy. The Applicant shall not plant crepe myrtles; Leland cypress; white maples; or Georgia invasive species, including but not limited to nandina, cherry trees, privet, Bradford pear trees, and dogwood species other than Kousa Dogwoods. The following trees have been expressed as preferred trees by the NRN Representative and the Applicant will seek, though shall not be required, to incorporate these species: hemlocks, magnolias, green giants, hollies (Nellie Stevens, American, oak leaf), cryptomeria, and viburnums, elms, red maples, Southern maples, oaks (willow and pins), hornbeam, and Kousa dogwoods.
13. Spivey Lake shall be improved and maintained according to federal, state, and County standards, including care for soil erosion, stormwater runoff, clearing of debris, and waste cleanup. Any remediation or improvements to Spivey Lake that may be required to comply with federal, state, and/or county provisions regarding privately-owned bodies of water shall be completed prior to the issuance of a certificate of occupancy for any residence. Lake restoration plans will be developed and shared with the NRN Representative and residents with homes on the lake prior to implementation and implemented with a primary goal of preserving the existing natural habitat. Actions such as draining the lake shall be avoided to prevent aquatic life destruction. Should there be a field condition that necessitates an administrative change to this condition, written notice shall be provided to the NRN Representative and residents on the lake that an administrative modification has been filed.
14. Architecture within the Site shall reflect a common vocabulary of forms, details, and materials. Vinyl siding shall be prohibited. Fiber cement and/or brick/stone masonry shall be allowed. Roofs for all residences shall be clad in asphalt shingles or similar material or combination of materials. All homes shall have eaves on all four sides around the perimeter along the roofline to maintain consistency with homes in the existing neighborhood and protect the homes from the elements. Compatible (not duplicate) color schemes shall be provided for homes on adjacent lots. All homes shall include a front

porch. Two-car garage interior dimensions shall be at least 20 feet by 20 feet. One-car, detached garages shall have a similar aesthetic to homes on the property and have an interior dimension of at least 10 feet by 20 feet. All detached garages and accessory buildings shall be constructed of materials that are similar to those used on the principal structure(s). Adjacent residences shall include distinctly different (as defined in section 5.7.5 of the DeKalb County Zoning Ordinance) front facade designs.

15. The Spivey family cabin shall be preserved and properly maintained. Preservation and restoration plans must be provided to the Department of Planning & Sustainability historic preservation planner for review during the land development permit process.
16. No walking trails shall be constructed along the western and/or southern perimeter of Spivey Lake or within 40 feet of any adjacent homeowners' properties. Subject to approval of the Land Development Division of the Planning Department, any walking trails within flood zones or stream/lake buffers shall be constructed of pervious materials such as mulch or other natural material. No synthetic or rubber mulch shall be used. Trail termini and routes will be marked by character appropriate signage for pedestrian wayfinding and to deter trespassing onto adjacent properties. Signage shall be subject to approval by the Director of Planning & Sustainability.
17. No structure, fence, wall, sign, hedge or planting, on-street parking space, or any similar improvement will be permitted to obstruct the sight lines or visibility of motorists and/or pedestrians at any intersection of public or private streets or at any driveway intersection with a public or private street. Parking shall be allowed only on one side of the street at any given location. This shall be designated by parallel parking lines on the side where parking is allowed and "No Parking" signs on non-parking side of the street. The location of the on-street parking shall be allowed to vary on any one street, provided that the on-street parking is designated per the requirements detailed in this condition.
18. Post-construction storm water release rates shall be no greater than pre-construction storm water release rates in accordance with the DeKalb County Code of Ordinances and as required by the Georgia Storm Water Management Manual, subject to approval by the Land Development Division of the Planning Department. Furthermore, water quality shall meet the minimum requirements of the Georgia Storm water Management Manual and DeKalb County requirements. Double rows of silt fencing will be installed in areas where recommended by the Environmental Consultant hired by Applicant and in compliance with State and County erosion control best practices. The applicant shall diligently pursue 1) the incorporation of bio-swales and rain gardens into its engineering plans to facilitate stormwater runoff and removal of debris, and 2) the use of special pervious pavement and landscaping materials to increase the amount of pervious surfaces subject to approval of the Land Development Division of the Planning Department.
19. Applicant agrees to coordinate and fund the removal of trash (e.g., bottles, paper, cans, etc.) on the property. These activities shall be completed immediately after all required erosion control is installed, and a second cleaning of trash shall occur prior to the approval and recording of the final plat. To the extent that there are any blockages to the flow of the on-site streams or lake caused by fallen trees or other debris, the Applicant shall contact the DeKalb County Floodplain Coordinator to obtain permission(s) needed to abate the blockage.
20. For common areas and recreational areas, only outdoor lighting fixtures that shield the light source to minimize glare and light trespass, including but not limited to full-cutoff lights, fully shielded fixtures, flush-mounted or side shielded under-canopy fixtures, and/or fully shielded walkway bollards to help prevent light pollution shall be installed on-site, subject to compliance with the outdoor lighting requirements of the *Zoning Ordinance*.
21. All housing units built in the development shall be "solar ready" and have electric service panels with sufficient capacity to accommodate electric vehicle charging within any attached garages and solar roof panels. The electrical panel shall be sized to accommodate a 40-

amp double pole breaker on the opposite end of the panel labeled “reserved for solar”. A minimum of one 240 V AC plug will be installed in each attached garage to accommodate electric vehicle charging. Details for each home shall be provided during building permit review.

22. Construction, demolition activity, and deliveries shall be subject to Section 16-304 of the *Noise Ordinance*. Construction access to/from the site shall be from Norman Road only. Construction, demolition activity, and deliveries on Sundays or federal holidays are subject to Section 16-304(d) of the *Noise Ordinance*. During construction, the developer shall, at the main entrance to the Site at Norman Road, clearly post the name, email and contact phone number for a readily accessible point of contact for the developer and the county that nearby residents can call to discuss development and construction issues. The developer’s point of contact shall diligently seek to respond to any comments or questions related to construction and/or other development related issues within three business days, and shall diligently seek to respond to urgent requests within twenty-four hours. The developer shall use Best Management Practices (BMPs) for run-off and sedimentation control in compliance with Section 14.38 (Soil Erosion and Sediment Control) subject to approval of the Land Development Division of the Planning and Sustainability Department.
 - a. The Applicant agrees not to engage in activities including tree removal and blasting before 8:00 am on weekdays and 9:00 am on Saturdays. The Applicant also agrees to limit construction to the hours of 7:00 am and 6:30 pm on weekdays and 8:00 am and 4:00 pm on Saturdays. This is a private agreement between the Applicant and a third-party beneficiary (neighborhood) that the County does not enforce except in the case of an egregious violation.
 - b. Blasting shall be permitted only with the written approval of the County under the requirements of Section 14-324.C of the DeKalb County Code of Ordinances. The Applicant shall notify residents on Bontura Court, Viking Drive, Spartan Lane, Norman Road, and Jolly Elementary School administrators. Notifications will be made 24 hours in advance of any blasting, with every effort made to provide notice at least 48 hours in advance, if possible.
 - c. Development-related trucks, vehicles, and equipment shall not park on Spartan Lane, Norman Road, Viking Drive, or anywhere else in the surrounding residential neighborhoods. All construction vehicles must be kept on the construction site. The property shall not be used as a staging ground for other planned developments within the area.
 - d. Appropriate measures must be taken to mitigate dust and debris from construction and truck traffic, including watering the roads and removing debris and mud on roads and sidewalks adjacent to the property.
23. The applicant, developer, or HOA shall coordinate with the DeKalb County School District and provide an annual development progress report through the year in which the final building permit for the last residential unit is issued.
24. Prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purpose within the development, including Spivey Lake, private roads, transitional buffers located within single-family, detached lots or within open space owned by the HOA, and 6-foot-high fencing behind single-family, detached homes shall be protected in perpetuity. Such legal mechanism shall include a declaration of restrictive covenants and the formation of a homeowner association (“HOA”), which assures in perpetuity the mandatory requirements detailed below. The HOA shall be established prior to the issuance of any certificate of occupancy for a home.
 - a. That all land held as greenspace, Spivey Lake, private roads and transitional buffers located within single-family, detached lots or within open space owned by the HOA will be properly maintained and that no liability or maintenance responsibilities shall accrue to the County;
 - b. That a legal entity exists for notice of deficiencies in maintenance of the land held as green space, Spivey Lake, private roads, transitional buffers, and correction of these deficiencies, and

assessment of liens against the properties for the cost of the correction of these deficiencies by a third party or the County;

- c. That the legal mechanism will become effective and enforceable prior to or at the time of recording the final plat and the sale of any individual properties within the Subject Property;
 - d. That all requirements of the legal mechanism used to comply with the regulations of this condition will be specified on the final plat to be recorded with the Clerk of Superior Court of DeKalb County;
 - e. Equal access and right of use to all greenspace, Spivey Lake, and private roads by all homeowners;
 - f. Mandatory and automatic membership in the homeowners' association for all homeowners and their successors, including homeowners of fee simple and condo homes;
 - g. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;
 - h. Homeowners' association lien authority to ensure the collection of dues from all members;
 - i. Perpetual and continued maintenance and liability by the homeowners' association of land held as greenspace, Spivey Lake, private roads, transitional buffers, and 6-foot-high fencing behind single-family, detached homes;
 - j. Common and privately owned greenspaces shall be clearly designated so that there is no ambiguity for responsibility of upkeep.
 - k. Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County. All sequential property owners in this development will be placed on notice of this development restriction through the deed records file.
 - l. The HOA shall establish, fully fund, and maintain a reserve account specifically for the maintenance and upkeep of Spivey Lake in accordance with federal, state, and County standards. All lake maintenance and upkeep plans and any future restoration plan shall be implemented with a primary goal of preserving the existing natural habitat. Actions such as draining the lake shall be avoided to prevent aquatic life destruction. No money from this reserve account may be used for any purpose outside of maintenance and upkeep of Spivey Lake. A minimum required reserve amount sufficient for maintenance of Spivey Lake throughout the land development and construction period shall be established prior to site development, and shall be funded prior to the commencement of site development. After site development and construction is complete, the reserve account shall be funded with an amount equal to one (1) year of lake maintenance and upkeep costs.
25. If a condo form of ownership is utilized for any cottage, urban-single family dwellings, and duplexes, prior to the issuance of any land disturbance permit, the Applicant must provide evidence of a legal mechanism under which all land to be held in common and used for condo home yards and driveways shall be protected in perpetuity. Such legal mechanism shall include a declaration of restrictive covenants and the formation of a condo homeowner association, which assures in perpetuity the mandatory requirements detailed below. The condo HOA shall be established prior to the issuance of any certificate of occupancy for a home.
- a. That all land held as condo home yards and driveways will be properly maintained and that no liability or maintenance responsibilities shall accrue to the County;
 - b. That a legal entity exists for notice of deficiencies in maintenance of the land held as condo home yard and driveways, and correction of these deficiencies, and assessment of liens against the properties for the cost of the correction of these deficiencies by a third party or the County;
 - c. That the legal mechanism will become effective and enforceable prior to or at the time of recording the final plat and the sale of any individual properties within the Subject Property; and
 - d. That all requirements of the legal mechanism used to comply with the regulations of this condition will be specified on the final plat to be recorded with the Clerk of Superior Court of DeKalb County.

- e. Mandatory and automatic membership in the homeowners' association for all homeowners and their successors of condo homes;
 - f. A fair and uniform method of assessment and collection/payment for dues, maintenance and related costs;
 - g. Homeowners' association lien authority to ensure the collection of dues from all members;
 - h. Perpetual and continued maintenance and liability by the homeowners' association of land held as condo yards and driveways;
 - i. Filing of all required covenants, declarations, and restrictions with the Clerk of the Superior Court of DeKalb County. All sequential property owners in this development will be placed on notice of this development restriction through the deed records file.
26. The Applicant shall coordinate with the NRN Representative and the County Public Works Department—Transportation Division to diligently pursue the installation of traffic calming features along the portion of Norman Road adjacent to the Site. The Applicant shall provide up to Twenty-Five Thousand Dollars (\$25,000) towards this effort. If a mutually agreeable traffic calming solution is not reached between the NRN Representative and the County on or before the issuance of a Land Disturbance Permit, then the Applicant shall be released from this obligation and instead submit payment to the County of Twenty-Five Thousand Dollars (\$25,000) towards future traffic calming measures along Norman Road including at Otello and Norman Road.

SITE DATA	
SITE AREA	34.93 ACRES
ZONING	
Existing Zoning	R-85
Proposed Zoning	RSM (Small Lot Residential Mix)
Existing Character Area	SUB (Suburban)
Zoning Jurisdiction	DEKALB COUNTY, GEORGIA
SETBACK REQUIREMENTS: CONDO UNITS (U-SF / COTTAGE / SFA)	
Front Setback	20 FEET MIN
Side Setback	10 FEET MIN. BETWEEN HOMES
Rear Setback	20 FEET / 20 FEET / 15 FEET
SETBACK REQUIREMENTS: TRANSITIONAL BUFFERS	
RSM TO R-85	20 FEET MIN.
LOT COMPATIBILITY REQUIREMENTS: NEW AND EXISTING SUBDIVISIONS	
Compatibility of Lot 2	NEW LOT WIDTH: 112 FEET MIN (80% OF 140 FEET) TRANSITIONAL BUFFER: 20 FEET MIN
Compatibility of Lots 3-10	NEW LOT WIDTH: 118 FEET MIN (80% OF AVG ADJACENT LOT WIDTH) TRANSITIONAL BUFFER: 20 FEET MIN
Compatibility of Lot 11	NEW LOT WIDTH: 80 FEET MIN (80% OF 100 FEET) TRANSITIONAL BUFFER: 20 FEET MIN
Compatibility of Lots 12-21	NEW LOT WIDTH: 68 FEET MIN (80% OF 85 FEET) TRANSITIONAL BUFFER: 20 FEET MIN
Compatibility of Lots 31-32	NEW LOT DEPTH: 170 FEET MIN (20 FEET MORE THAN 150 FEET) TRANSITIONAL BUFFER: 20 FEET MIN
DEVELOPMENT STANDARDS	
1: SINGLE FAMILY DETACHED (1400 MIN SF)	32 UNITS (50 UNITS MAX)
2: COTTAGE (1000 SF MIN / 1200 SF MAX)	6 UNITS (15 UNITS MAX)
3: URBAN SINGLE FAMILY (1100 MIN SF)	58 UNITS (60 UNITS MAX)
3: SINGLE FAMILY ATTACHED (1200 MIN SF)	24 UNITS (24 UNITS MAX)
Total Residential Units Provided	120 UNITS MAX
Total Site Density Provided	3.44 UNITS/ACRE
Max. Site Density RSM (SUB)	4 UPA (BASE) - 8 UPA (DENSITY BONUS)
Min. Bldg. Heated (SFD / COTTAGE / U-SF / SFA)	1,200 SF / 1,000 SF / 1,100 SF / 1,200 SF
Max. Bldg. Height (SFD / COTTAGE / U-SF / SFA)	ALL BLDGS EXCEPT COTTAGES TO BE A MAX OF 2 STORIES (35 FEET MAX); COTTAGES TO BE 1.5 STORIES MAX
OPEN SPACE CALCULATIONS	
Min. Open Space Required	6.99 ACRES
Open Space Provided	21.26 ACRES (60.88% OF TOTAL SITE AREA)
Min. Enhanced Open Space Required	50% OF MIN. OPEN SPACE REQUIRED (3.49 ACRES)
Min. Size of Pocket Park	2,000 SF
Enhanced Open Space Provided	23.13% (8.08 ACRES)
Total Open Space Provided (Unenhanced + Enhanced)	60% MIN (20.96 ACRES)
PARKING REQUIREMENTS	
Single Family Detached Parking Required	192 SP / 384 SP (2/UNIT MIN. / 4/UNIT MAX.)
Single Family Attached Parking Required	42 SP / 78 SP (1.75/UNIT MIN. / 3.25/UNIT MAX.)
Total Parking Required	234
Off-Street Parking Spaces Provided	33 SPACES
On-Street Parking Spaces Provided	72 SPACES
Driveways Provided	160 TANDEM SPACES
Fee Simple Lots Provided (Garage + Driveway)	64 SPACES @ 2 MIN PER LOT
Total Parking Provided	261 SPACES
FEE SIMPLE LOT REQUIREMENTS	
MINIMUM LOT AREA	5,000 SF
MINIMUM LOT WIDTH	50'
MAXIMUM LOT COVERAGE	50%
FRONT SETBACKS	20'
SIDE SETBACKS	3' (10' BUILDING TO BUILDING)
REAR SETBACKS	20'
STREETSCAPE REQUIREMENTS (LOCAL RESIDENTIAL)	
MINIMUM ROW	55'
TRAVEL LANE	12'
LANDSCAPE STRIP	6'
SIDEWALK	5'
SUPPLEMENTAL ZONE	NONE
STREET LIGHTS	100' SPACING MAX
STREET TREES	30' SPACING TYP.



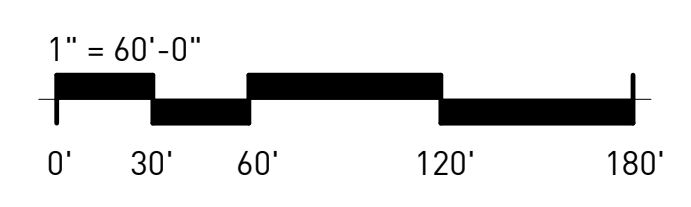
SITE PLAN LEGEND	
	COTTAGE
	URBAN SINGLE-FAMILY (U-SF)
	SINGLE-FAMILY ATTACHED (SFA)
	BUILDING - COMMUNITY USE
	PORCH
	NEW SIDEWALK
	NATURAL WALKING PATH
	PLAZA
	NEW LANDSCAPE
	COTTAGE COURT

PROJECT INFO	
UNITS	
COTTAGE:	6
URBAN SINGLE-FAMILY (U-SF):	58
SINGLE FAMILY ATTACHED (SFA):	24
FEE SIMPLE LOTS (SFD):	32
TOTAL HOMES:	120
PARKING	
OFF-STREET:	33
ON-STREET:	72
DETACHED GARAGE:	12
SLIP DRIVES:	80 (TANDEM SPACES)
FEE SIMPLE LOTS:	64 (2 PER LOT MIN)
TOTAL PARKING:	261
NOTES:	
1. COTTAGES ARE 1.5 STORIES MAX; ALL OTHER HOMES ARE 2 STORIES MAX	
2. ALL HOMES ARE WITHIN 200' OF A PARKING SPACE	
3. ALL HOMES SHOWN ARE CONDO OWNERSHIP; ALL LOTS SHOWN ARE FEE SIMPLE LOTS	

1 SITE PLAN - COMMUNITY
50-1.2 1" = 60'-0"



HUGH SPIVEY LAKE



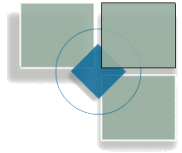


DeKalb County Department of Planning & Sustainability

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Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date:
Board of Commissioners Hearing Date: February 22, 2022

STAFF ANALYSIS

SUBSTITUTE

Case No.: Z-21-124893 **Agenda #:** D4

Location/Address: The south side of Norman Road, approximately 292 feet west of Viking Drive and at the terminus of Spartan Lane at 3943, 4021, 4029, 4039, 4069, and 4083 Norman Road in Stone Mountain, Georgia **Commission District:** 4
Super District: 6

Parcel ID: 18-095-03-005, 18-095-03-006, 18-095-03-008, 18-095-03-009, 18-095-03-090, 18-095-03-094

Request: To rezone properties from the R-85 (Residential Medium Lot-85) Zoning District to the RSM (Small Lot Residential Mix) Zoning District to allow single-family cottages; conventional, single-family, detached homes; urban, single-family, detached units; and single-family, attached units.

Property Owner: Hugh Spivey, Mary Ben Spivey, Charles Marvin Spivey, Kay Spivey Sims, Harry Stephen Spivey

Applicant/Agent: Mosaic Communities LLC c/o Battle Law

Acreage: 35

Existing Land Use: Vacant land and Single-Family homes

Surrounding Properties: Single-family detached subdivisions

Adjacent Zoning: **North:** R-85 **South:** R-85 **East:** R-85 **West:** R-85

Comprehensive Plan: SUB (Suburban) **Consistent** **Inconsistent**

Proposed Density: 3.5 units per acre **Existing Density:** NA
Proposed Units/Square Ft.: 120 residential units comprising of single-family cottages; conventional, single-family, detached homes; urban, single-family, detached units; and single-family, attached units.. **Existing Units/Square Feet:** Vacant Land and Single-Family Homes
Proposed Lot Coverage: NA **Existing Lot Coverage:** NA

Staff Recommendation: APPROVAL WITH CONDITIONS (REVISED 2/17/22)

ZONING HISTORY

Based on DeKalb County records, it appears that the R-85 zoning of the property has not changed since adoption of the first *Zoning Ordinance* and map in 1956.

PROJECT ANALYSIS

Since the November 18th (2021) Board of Commissioners meeting and the January 6th (2022) Planning Commission meeting, the applicant's latest site plan and application contains the following revisions:

- Decreased number of residential units from 174 to 120,
- Decreased density from 4.97 units per acre to 3.5 units per acre,
- No density bonuses needed since less than four (4) units per acre, but applicant is providing an enhanced open space density bonus 23% enhanced open space proposed.
- Total open space remains the same at 60%
- Added single-family detached conventional lots along the perimeter of the site which abut existing single-family subdivisions;
- Redesigned the project to add three single-family detached lots along the frontage of Norman Road east of the proposed private road entrance; all the land to the west of the proposed road remains as undeveloped open space/community forests/transitional buffer and two single-family detached conventional lots.
- The walking trail remains only on the east side of lake where the proposed residential units will be
- Demonstrated compliance with the perimeter lot compatibility requirements of the zoning ordinance for the proposed lots along the east property line.

The subject property comprises approximately 35 acres on the south side of Norman Road, approximately 292 feet west of Viking Drive and at the terminus of Spartan Lane at 3943, 4021, 4029, 4039, 4069, and 4083 Norman Road in Stone Mountain, Georgia. The site contains vacant land and single-family structures. The site slopes moderately upward from the west to east. The site currently has an abundance of mature trees and vegetation. Spivey Lake consumes a significant portion of the west side of the project site. The general site layout consists of a mixture of housing types including single-family cottages, conventional single-family detached lots, and urban single-family attached and detached units. The proposed single-family detached land uses along the eastern and southern edges of the property are consistent with the abutting and surrounding single-family detached land uses to the east and south, and the proposed lots along those same edges of the site appear to be compatible with the abutting subdivision lots since they comply with the perimeter lot compatibility requirements of the zoning ordinance. The proposed single-family detached cottages are clustered around courtyard pocket parks. All proposed uses have internal pedestrian sidewalks and walking trails to connect to Spivey Lake. There is a large community forest along the Norman Road property frontage along the northwestern portion of the site which proposes to preserve the existing tree canopy, natural open space, and provide an appropriate visual screen from surrounding properties.

The RSM district allows a base maximum density of four (4) units per acre, with a maximum density up to eight (8) units per acre if certain community enhancements are provided. Since the proposed density is less than four (4) units per acre (3.5 units per acre proposed), no density bonuses are required. However, even though not required, the applicant is proposing enhanced open space features to provide greater compatibility with surrounding properties. The site plan indicates that the applicant is providing much more open space than required (i.e. 20% required (7 acres); 60% provided (20.96 acres)), and is also providing more enhanced open space than required consisting of cottage courtyard pocket parks, community

forests, community gardens, and natural walking trails (20% enhanced open space required if qualifying for a density bonuses, 23% enhanced open space provided).

The applicant submitted a traffic impact study (see attached) prepared by NV5 Engineers and Consultants, dated April 28, 2021, and it was reviewed by the DeKalb County Transportation Department. The results of the analysis are listed below:

1. *Traffic operations at the study intersections are satisfactory (LOS D or better) in existing and baseline conditions.*
2. *The conditions are expected to increase in delay as evidenced in the No-Build scenario due to the anticipated growth in the study area. Even with anticipated growth, the intersections are expected to operate at a level of service (LOS) D or better overall and at each approach.*
3. *The addition of project traffic is expected to have little impact on the traffic operations at the study intersections. No improvements are recommended because the impact is minimal.*
4. *Based on GDOT criteria, the eastern site driveway (Driveway 2) for the development warrants a right-turn deceleration lane. However, the installation of the turn lane is at the discretion of DeKalb County.*
5. *Based on the analysis prepared for the proposed development, improvements at the study intersections are not required to mitigate the impact of the proposed development.*

Note that the traffic impact study was prepared based on the initial proposal which included more dwelling units and three points of access. There are now two access points for the project; one access point off of Norman Road and one access off of Spartan Drive on the southeast corner of the site. The DeKalb County Transportation Department has provided comments to address county transportation requirements including a requirement for bike lanes, landscape strips, and sidewalks along Norman Road. The applicant will need to obtain a sewer capacity letter from the Department of Watershed Management to verify if sewer capacity is available.

Supplemental Requirements: There are supplemental regulations for single-family cottages, urban single-family detached and attached per Section 4.2.24 which allows these land uses to be exempt from the minimum lot width requirements. There are no supplemental regulations in the *Zoning Ordinance* for single-family conventional detached lots or duplexes.

Compliance with District Standards (See next page):

STANDARD	RSM REQUIREMENT	EXISTING/PROPOSED	COMPLIANCE
MAX DENSITY	4-8 units per acre	3.5 units per acre.	Yes

LOT AREA	2,000 s.f. (minimum for s.f. cottage lot)	NA—fee simple condo ownership has no lot lines so lot area does not apply,	Yes
	1,350 s.f. (minimum for urban, single-family detached)	NA—fee simple condo ownership has no lot lines so lot area does not apply	Yes
	1,000 s.f. (min. for urban single-family attached)	NA—fee simple condo ownership has no lot lines so lot area does not apply	Yes
	5,000 s.f. Single-family, detached Conventional lots	5,000 s.f.	Yes
LOT WIDTH	20 feet (cottage lot)	NA—fee simple condo ownership has no lot lines so lot area does not apply.	Yes
	25 feet (urban single-family detached and single-family attached)	NA—fee simple condo ownership has no lot lines so lot area does not apply.	Yes
	50 ft min for Single-family, detached Conventional lots	50 ft	Yes
MAX. LOT COVERAGE	50% for single-family cottages	NA—fee simple condo ownership has no lot lines so lot area does not apply	Yes
	70% for urban single-family	NA—fee simple condo ownership has no lot lines so lot area does not apply	Yes
	50% for two-family	NA—no duplexes shown on plan.	Yes
	50% single-family detached conventional	50%	Yes

FRONT SETBACK	<u>Single-Family Cottages:</u> 20 ft	20 ft	Yes
	<u>Urban Single-Family Detached & Attached:</u> 20 ft	20 ft	Yes
	<u>Single-Family Detached Conventional</u> 20 ft	20 ft	Yes
REAR SETBACK	<u>Single-Family Cottage:</u> 20 ft	20 ft	Yes
	<u>Urban Single-Family Detached</u> 20 ft	20 ft	Yes
	<u>Urban Single-Family Attached:</u> 15 ft	15 ft	Yes
	<u>Single-Family Detached Conventional</u> 20 ft	20 ft	Yes
SIDE SETBACK	3 ft from p/l with min. 10 feet between buildings for single-family detached cottages and single-family detached conventional lots	3 feet from p/l with min. 10 feet between buildings	Yes
	0 ft from p/l with 3 feet between buildings for urban single-family detached units	10 feet between buildings	Yes
	0 feet for single-family attached units	0 feet and 10 ft between townhome buildings	Yes

MAX. BLDG. HEIGHT	1.5 stories for single-family cottages	1.5 stories	Yes
	3 stories/45 feet for urban single-family detached and attached	2 stories/35 feet	Yes
	35 feet for two-family	NA—No duplexes shown on site plan	NA
	35 feet for Single-Family Detached Conventional	35 feet	Yes
MIN/MAX UNIT SIZE	Min 800 s.f. building footprint and max 1,200 s.f. gross floor area for single-family cottages	1000 s.f.	Yes
	1,100 s.f. for urban single-family detached	1,200 s.f.	Yes
	1,200 s.f. for single-family attached	1,200 s.f.	Yes
	1,200 s.f. for Single-Family Detached Conventional	1,200 s.f.	Yes
MIN OPEN SPACE	20%	60%	Yes
MIN ENHANCED OPEN SPACE	None required since density is less than four (4) units per acre	23%	Yes
TRANSITIONAL BUFFER	None required since single-family detached units are proposed along perimeter of site abutting single-family detached subdivisions	20- foot buffer proposed along east and south perimeter of site.	Yes

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

Based on the submitted information, the proposed request preserves significant environmental resources, provides a mixture of housing types, and is consistent with the following policies and strategies of the Suburban Character Area and the 2035 Comprehensive Plan:

1. Promote strong connectivity and continuity between existing and new development (Suburban Connectivity Strategy, pg. 116).
2. Create neighborhood focal points through the use of existing pocket parks and square for community activities (Suburban Nodes Strategy, pg. 117).
3. Promote new communities that feature greenspace and neighborhood parks, pedestrian circulation transportation options, and appropriate mix of uses and housing types. (Chapter 7 Land Use Policy, New Developments Strategy, pg. 78).
4. 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 housing styles, densities, and price ranges in locations that are accessible to jobs and services. (Chapter 6 Community Goals- Housing, Housing Variety and Access, pg. 55).
5. Identify and encourage new and innovative approaches to quality residential development which expands housing opportunities and minimizes public and private costs (Chapter 6 Community Goals-Housing, Infill Housing Development, pg. 55)
6. Provide for additional variety of housing units to encourage employees who work in DeKalb County but live outside the county to become residents of the county. This could potentially decrease automobile dependency, traffic congestion, and pollution. (Chapter 2 Quality of Life, Jobs and Housing Balance Strategy, pg. 20)

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

Taken as a whole, the revised proposal contains a mixture of housing options that are designed to preserve a unique environmental feature (Spivey Lake) and blend with existing development patterns via vegetated transitional buffers and maximum two-story building heights. The proposed single-family detached land uses along the eastern and southern edges of the property are consistent with the abutting and surrounding single-family detached land uses to the east and south, and the proposed lots along those same edges of the site appear to be compatible with the abutting subdivision lots to the east and south since they comply with the perimeter lot compatibility requirements of the zoning ordinance. The plan also provides more than the minimum degree of open space along with opportunities for active and passive recreation for the immediate and surrounding community, and streetscape improvements. The applicant's traffic impact study did not produce findings indicating significant impact on the existing road network or the need for significant network improvements. Therefore it appears that the zoning proposal will permit a use that is suitable in view of the use of adjacent and nearby properties.

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

The property may have reasonable economic use for single-family, detached residential development as currently zoned (i.e. R-85).

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

There will be additional traffic along Norman Road and Spartan Lane from the proposed development. However, the traffic impact study concludes that *“the addition of project traffic is expected to have little impact on the traffic operations at the study intersections. No improvements are recommended because the impact is minimal.”* The DeKalb County Transportation Department has provided comments to address county transportation requirements including a requirement for bike lanes, landscape strips, and sidewalks along Norman Road. Additionally, the conceptual layout of the Plan with the proposed single-family detached lots along the entire perimeter of the site, maximum two-story building heights, significant open space, and a maximum of 120 total residential units appear to be compatible with the surrounding area. The proposed single-family detached fee-simple lots along the eastern and southern edge of the site appear to be compatible with the abutting subdivision lots to the east and south since they comply with the perimeter lot compatibility requirements of the zoning ordinance. Therefore, it does not appear that the zoning proposal will adversely affect the usability of adjacent and 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:

The *conceptual* layout of single-family detached lots along the north, south, and east perimeter of the site is consistent with the abutting single-family detached land uses. The proposed two-story maximum building heights are consistent with the one and two-story building heights in the surrounding area. All proposed units are fee- simple or condominium ownership consistent with adjacent and surrounding properties. Furthermore, if the project is approved, the applicant is proposing as a condition of zoning approval that short term rentals will be prohibited. Additionally, the rezoning proposal is consistent with the following housing policies of the 2035 Comprehensive Plan and Atlanta Regional Commission:

1. 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 housing styles, densities, and price ranges in locations that are accessible to jobs and services. (Chapter 6 Community Goals- Housing, Housing Variety and Access, pg. 55).
2. Identify and encourage new and innovative approaches to quality residential development which expands housing opportunities and minimizes public and private costs (Chapter 6 Community Goals-Housing, Infill Housing Development, pg. 55)
3. Provide for additional variety of housing units to encourage employees who work in DeKalb County but live outside the county to become residents of the county. This could potentially decrease automobile dependency, traffic congestion, and pollution. (Chapter 2 Quality of Life, Jobs and Housing Balance Strategy, pg. 20)

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

Based on the submitted information, no historic buildings, sites, districts, or archaeological resources are located on the subject 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:

There has been no indication from reviewing departments and agencies that the proposal would cause excessive use of utilities. However, there may be school impacts. When fully constructed, this development is estimated to generate 91 students, 10 at Jolly Elementary School, 12 at Freedom Middle School, 16 at Clarkston

High School, 29 at other DCSD schools, and 24 at private schools. Jolly Elementary School and Clarkston High School are already over capacity and new students from this development may require additional portable classrooms. The DeKalb County Transportation Department has provided comments to address county transportation requirements including a requirement for bike lanes, landscape strips, and sidewalks along Norman Road. The applicant will need to obtain a sewer capacity letter from the Department of Watershed Management to verify if sewer capacity is available.

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

The proposed development is not expected to have unusual impacts on the natural environment. While there are floodplains and stream buffers on the project site, environmental impacts including, but not limited to grading, water quality, hydrology, tree preservation, sediment control, and stormwater runoff will be addressed and mitigated, as necessary during the land development permit review stage and beyond. The *DeKalb County Code of Ordinances* requires post-construction storm water release rates to be no greater than pre-construction storm water release rates and as required by the *Georgia Storm Water Management Manual*, subject to approval by the Division of Land Development. Furthermore, water quality must meet the minimum requirements of the *Georgia Stormwater Management Manual* or DeKalb County requirements. Spivey Lake will be required to be maintained by the future Homeowner's Association to comply with federal, state, and county standard. If the project is approved, the applicant is proposing as a condition of zoning approval that any remediation or improvements to Spivey Lake that may be required to comply with federal, state, or county requirements regarding private-owned bodies of water be completed prior to the recording of a final plat and issuance of any building permits.

Planning and Sustainability Department Recommendation: APPROVAL WITH CONDITIONS (REVISED 01/17/22)

Since the November 18th (2021) Board of Commissioners meeting and the January 6th (2022) Planning Commission meeting, the applicant has submitted a revised plan (see attached revised plan dated 1/10/22) which has decreased the number of units from 174 to 120, decreased the density from 4.97 to 3.5 units per acre, incorporated single-family detached fee-simple lots along the perimeter of the project site, and demonstrated compliance with the perimeter lot compatibility requirements of the zoning ordinance (i.e. proposed lots along the eastern and southern perimeter of the site are at least 80% as wide as abutting subdivision lots with a 20-foot transitional buffer). Taken as a whole, the revised proposal contains a mixture of housing options that are designed to preserve a unique environmental feature (Spivey Lake) and blend with existing development patterns via vegetated transitional buffers and maximum two-story building heights. The conceptual layout of the Plan with the proposed single-family detached lots along the entire perimeter of the site, maximum two-story building heights, significant open space, and a maximum of 120 total residential units appear to be compatible with the surrounding area (Sec 7.3.5.B). The plan also provides more than the minimum degree of open space along with opportunities for active and passive recreation for the immediate and surrounding community, and streetscape improvements. The applicant's traffic impact study did not produce findings indicating significant impact on the existing road network or the need for significant network improvements. A collaborative effort between the applicant and community over the past several weeks have resulted in recommended zoning conditions. Therefore it is the recommendation of the Planning & Sustainability Department that the application be "Approved" with Staff's recommended conditions.

Attachments:

1. Public Works Department Comments
 - a. Land Development Division

b. Traffic Engineering Division

2. Watershed Management Department Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Zoning Map
8. Aerial Photograph
9. Photographs