

Public Hearing: YES NO

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 06

Application of KBD Development c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the construction of single-family attached townhomes in the Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of RSM District, at 2098 & 2124 Cedar Grove Road and 3345 Bouldercrest Road.

PETITION NO: D4-2023-0341 SLUP-23-1246391

PROPOSED USE: Single-family, attached townhomes.

LOCATION: 2098 & 2124 Cedar Grove Road, Conley, GA 30288 and 3345 Bouldercrest Road, Ellenwood, GA 30294.

PARCEL NO. : 15-021-01-010, 15-021-01-015, 15-021-01-016

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of KBD Development c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the construction of single-family attached townhomes in the Bouldercrest Overlay Tier 3 & Soapstone Historic District with underlying zoning of RSM District. The property is located on the southwest side of Bouldercrest Road and the northwest side of Cedar Grove Road at 3345 Bouldercrest Road, 2098 and 2124 Cedar Grove Road in Ellenwood, Georgia. The property has approximately 820 feet of frontage along Cedar Grove Road and 450 feet of frontage along Bouldercrest Road and contains 12.2 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (Aug. 9, 2023) Two-cycle deferral. (Apr. 12, 2023) Deferral.

PLANNING COMMISSION: (Sept. 12, 2023) Pending. (May 2, 2023) Full Cycle Deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: This request was deferred from the May 25th, 2023 Board of Commissioners (BOC) meeting. Based on the submitted information, the SLUP proposal to allow townhomes within Tier 3 of the Bouldercrest Overlay District with a density of 7.29 units per acre is *generally* consistent with the Suburban (SUB) and Neighborhood Center (NC) Character Areas calling for the protection of established residential areas at densities up to eight units per acre. There is also a companion request for a rezoning to an underlying zoning of RSM within Tier 3 of the Bouldercrest Overlay District to allow townhomes (see case Z 23 1246390). The proposed townhomes appear to be an appropriate transitional land use between the commercial zoning around the Bouldercrest Rd/Cedar Grove intersection and the single-family detached subdivision (Smithfield Grove) to the north. A stream, 20-foot undisturbed transitional buffer, and a 100-year floodplain separate the proposed townhome development from that single-family subdivision. Additionally, the plan prefers four pocket parks and two open courtyards with convenient pedestrian and vehicular connectivity throughout the project. Therefore, it appears that the request is compatible with surrounding uses and is consistent with the policies and strategies of the SUB Character Area to protect established single-family neighborhoods. There has been no indication from reviewing agencies and departments that the proposed development would be excessively burdensome on the existing infrastructure. The County Transportation Department has provided infrastructure requirements relating to right-of-way expansion, sidewalks, landscape strips and street lighting (see attached). While the proposed land

use, transitional buffers, pocket parks, and open space appears to be compatible with the surrounding area, the Conceptual Plan will need to be redesigned to comply with Section 3.39.6.C.9.a of the *Zoning Ordinance* which requires that all townhome developments must be accessed from the rear via a private alley or private drive. This rear access requirement would be in addition to providing street access within the entire project site which comply with public right-of-way standards. Additionally, the following information needs to be provided to demonstrate compliance with Tier 3 BOD requirements in order to confirm that the zoning proposal is compatible with adjacent and surrounding properties: 1. The proposed units on the plan need to indicate which are fee-simple, stand-alone lots (i.e. lot lines extending beyond the building envelope) and which ones will be in a condominium ownership arrangement so that zoning compliance can be confirmed. 2. The applicant needs to provide tabular data showing the square footage of the proposed guest parking areas and proposed driveways so that the Floor Area Ratio (FAR) of the project can be reviewed for compliance (Max FAR allowed is 1.0) 3. For units 27 – 29 verify compliance with the required 20- foot side yard setback No new information has been submitted since the May 25th, 2023 BOC meeting to address the aforementioned deficiencies. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be “Denied”.

PLANNING COMMISSION VOTE: (September 12, 2023) Pending. (May 2, 2023) Full Cycle Deferral 6-1-0. Jan Costello moved, Deanna Murphy seconded for a Full Cycle Deferral to the July 2023 zoning agenda, per Staff recommendation. Tess Snipes opposed; Vivian Moore was not present for this vote.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Aug. 9, 2023) Two-cycle deferral 6-0-0. (Apr. 12, 2023) Deferral 6-0-0. The Council recommended deferral to allow more time for the applicant and community to meet again to see if a revised plan and consensus could be reached. Many members of the surrounding community were concerned this application would set a precedent for townhomes up and down Bouldercrest Road and would create traffic impacts that existing transportation infrastructure could not handle.

To: Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>

Cc: Agent Thompson Hatfield <thompson.hatfield@gmail.com>; Hill, LaSondra <lahill@dekalbcountyga.gov>; Reid, John <jreid@dekalbcountyga.gov>; Satterwhite, Robert A. <rasatter@dekalbcountyga.gov>; White, Brandon L. <BLWhite@dekalbcountyga.gov>

Subject: Re: Urgent Attention Requested: Case Z-23-1246390 @ 3345 BOULDERCREST ROAD

Hi Ms. Bragg,

Thank you for taking the time to speak with me a couple of weeks ago regarding the Dekalb County Department of Planning and Sustainability (DCDPS) rezoning application and SLUP application (case: Z-23-1246390) for the properties located at 2098 Cedar Grove Road, 2124 Cedar Grove Road, and 3345 Bouldercrest Road.

Our company has received offers from multiple developers who would like to pursue completing residential townhome development on the subject parcels, but we have not been able to finalize an agreement with any of the prospective developers. Although we had hoped to amend the current application(s) to change the applicant to the prospective buyer/developer prior to the upcoming September 12th and September 28th Planning Commission and Board of Commissioners meetings, I am submitting the following documents on behalf of the property owner (Bouldercrest Holdings, LLC):

1a. A signed letter, requesting withdrawal of the current application without prejudice of the application.

1b. Completed pages 2 and 5 of the attachment in your previous email, which states that our company no longer gives the previous applicants permission to pursue the current application and that the owner will now be the applicant.

2. A draft revised site plan, which shows the removal of the commercial parcel (3345 Bouldercrest Road) from the proposed development. The removal of this parcel from the proposed development would eliminate the requirement for rezoning of the commercial parcel and satisfy the neighborhood's preference for retaining commercial-zoned property. The revised site plan also shows the garage doors of the proposed residential units oriented based on the DCDPS Tier 3 overlay requirements.

Please let me know if any additional information is needed at this time in order for the proposed application changes to be finalized. I look forward to speaking with you soon.

Regards,

Calvin King, PhD
Managing Member, Bouldercrest Holdings, LLC
(615)417-9068