

Agenda Item

File ID: 2018-3068

Substitute

3/26/2019

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

Commission District(s): 3 & 6

Application of Scott Bennett 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.

Petition No.: CZ-19-1235305

Proposed Use: 291 Apartment Units

Location: 2128 & 2170 Cook Road

Parcel No.: 15-140-03-018 & 15-140-03-020

Information Contact: Marian Eisenberg

Phone Number: 404-371-4922

PURPOSE:

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. 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.

RECOMMENDATION:

COMMUNITY COUNCIL: Full Cycle Deferral

PLANNING COMMISSION: Full Cycle Deferral

STAFF RECOMMENDATION: Approval with Conditions

PLANNING STAFF: Approval with Conditions

PLANNING STAFF ANALYSIS: 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 the attached revised conditions."

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

COMMUNITY COUNCIL VOTE/RECOMMENDATION: 10-0-0/ Deferral to have another neighborhood meeting including Community Council 3 Board members.

CZ-19-1235305 Recommended 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.



DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 300

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov

**Planning Commission Hearing Date: January 08, 2019, 6:30 P.M.
Board of Commissioners Hearing Date: March 26, 2019, 10:00 A.M.**

STAFF ANALYSIS

Case No.: 2018-3068/ CZ-19-1235305 **Agenda #:** N.9

Location/Address: The north side of Cook Road approximately 965 feet east from the intersection with Flat Shoals Road at 2128 and 2170 Cook Road, Decatur, Georgia. **Commission District:** 3 **Super District:** 6

Parcel ID: 15-140-03-020 & 15-140-03-018

Request: 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.

Property Owners: MK Professional Services, LLC

Applicant/Agent: Scott Bennett and MK Professional Services, LLC

Acreage: 12.135 Acres

Existing Land Use: Undeveloped

Surrounding Properties: Apartments

Adjacent & Surrounding Zoning: North & East: R-75 (Residential Medium Lot) District Density) District
West: MR-2 (Medium Density Residential-2) District
Northwest: RSM (Small Lot Residential Mix) District

Comprehensive Plan: Town Center (TC) Consistent X

Proposed Residential Units: 291 Apartment Units	Existing Residential Units: None
Proposed Lot Coverage: 42.7 %	Existing Lot Coverage: None

SUBJECT SITE & ZONING HISTORY

The subject site is 2128 and 2170 Cook Road. Consisting of approximately 12.135 acres, it is located along the north side of Cook Road and east of Flat Shoals Road. Zoned MR-2 (Medium Density-Residential-2) District pursuant to CZ-05033 and located in the I-20, Tier 2 Overlay District. The site is undeveloped with the following Board approved conditions:

1. The development shall not exceed twelve (12) units per acre.
2. The Subject Property will be zoned RM-85 and developed at a density of no more than 12 units per acre.
3. 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.
4. The buildings shall be constructed of a mixture of hardi-plank, brick, masonry stucco, stacked stone and/or any other masonry product (excluding architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/ or any other cantilevered areas.)
5. Developer shall install a minimum 6-foot fence along Western property line.
6. 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.
7. Developer shall comply with all County and State ordinances and regulations regarding storm water and soil and erosion.
8. Underground utilities shall be utilized.
9. All open space, park space, landscaping, pool area, architectural controls and other common areas shall become the responsibility of a mandatory Homeowner's Association established by the Developer for this community.
10. The Developer shall install a swimming pool for the residents of the proposed development.
11. 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.

MODIFICATION REQUESTS

The existing zoning conditions, approved May 26, 2005, limit the density on the site to 12 units per acre. Pursuant to the submitted letter of application, a modification is requested to delete all currently approved zoning conditions to develop 291 multi-family apartment units at a density of 24 units per acre by obtaining density bonuses in accordance with the Zoning Ordinance of DeKalb County. Located within Tier 2 of the I-20 Overlay District, the intent is to develop the site per the requirements and standards of the existing DeKalb County Zoning Code.

STAFF ANALYSIS

Planning Staff offers the following review for deleting the existing conditions on the site.

Conditions 1 and 2

1. The development shall not exceed twelve (12) units per acre.
2. The Subject Property will be zoned RM-85 and developed at a density of no more than 12 units per acre.

The existing conditions limit the density on the site to 12 units per acre. The modification request to delete these conditions to allow the option of obtaining a density bonus increase up to 24 units per acre. The current DeKalb County Code allows density increases with bonus criteria established by the 2015 Zoning Code Update. Per Chapter 27-Article 2: Table 2.6 demonstrates density bonus percentage increase by amenity, location, or other provision. The applicant intends to provide additional enhanced open space and provide sustainability elements in building design for LEED (Leadership in Energy and Environmental Design) certification. Prior to submittal of a Land Disturbance Permit (LDP) and Building Permit (BP) the applicant must provide documentation demonstrating LEED Certification for apartment units building design elements and site plan must depict required additional enhanced open space to be eligible for desired density.

Recommendation: Revise Condition 1 & Delete Condition 2

Recommended Revised Condition 1:

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. Delete.

Condition 3

3. 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.

The Letter of Application implies that the proposed development embraces the vision established by the creation of the I-20 Overlay District and should be allowed to develop without restrictions. However, it is current Board Policy to enforce workforce housing conditions as it applies to new development. Further DeKalb County commits to "Provide Workforce housing in appropriate activity centers in the County" (Comprehensive Plan Housing Policy #5).

Recommendation: Condition 3 remains as currently stated

Condition 4

4. The buildings shall be constructed of a mixture of hardi-plank, brick, masonry stucco, stacked stone and/or any other masonry product (excluding architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/ or any other cantilevered areas.)

Pursuant to Article 3.33.12.A & B, Architectural Regulations within the I-20 Overlay District, all building facades visible from the public street shall consist of concrete, stone, brick or stucco. Architectural accents, where utilized, shall consist of non-reflective glass, glass block, natural stone, pre-cast concrete, brick, terra cotta, stucco or wood. Compliance to I-20 architectural standards will ensure quality development compatible with the surrounding area.

Recommendation: Delete

Condition 5

5. Developer shall install a minimum 6-foot fence along Western property line.

Property along the western property line is developed with a similar use (apartments) as the proposed development. A fence should not be required for like uses.

Recommendation: Delete

Condition 6

6. 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.

Keep condition to protect adjacent detached residential development

Recommendation: Condition 6 remains as currently stated

Condition 7

7. Developer shall comply with all County and State ordinances and regulations regarding storm water and soil and erosion.

Required per the DeKalb County Code.

Recommendation: Delete

Condition 8

8. Underground utilities shall be utilized.

Some areas of the site may not be able to have underground utilities to development constraints. However, it is recommended that underground utilities be utilized where applicable. Therefore, the revised condition should read as follows:

Recommendation: Underground utilities shall be utilized except in specific areas where the Director of Planning and Sustainability has determined that an impediment exists.

Condition 9

9. All open space, park space, landscaping, pool area, architectural controls and other common areas shall become the responsibility of a mandatory Homeowner's Association established by the Developer for this community.

Required per the DeKalb County Code.

Recommendation: Delete

Condition 10

10. The Developer shall install a swimming pool for the residents of the proposed development.

Article 5.7.7.6 requires multi-family development dedicate area to outdoor recreation. The condition specifying a swimming pool is a matter of Legislative will.

Recommendation: Condition 10 remains as currently stated.

Condition 11

11. 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.

The above condition restricts parking for certain types of vehicles within the proposed apartment development and prohibits automotive repairs.

Recommendation: Condition 11 remains as currently stated.

Further analysis by Planning Staff includes conditions for development standards per Article 5 of the DeKalb County Code unless required in the I-20 Overlay District and prohibits cell towers on the subject site.

Section 27-7.3.5 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.

- A. **Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan. Located within a Town Center (TC) Character Area.** The area vision consists of creating a mixture of multi-family and single family detached homes. The maximum density allowed under the Town Center designation is 60 units per acre. The site is located at the edge of a Town Center character area which calls for lower densities and building heights compatible with abutting single-family areas. The existing MR-2 zoning conditions (case 1235305) state that the development shall not exceed twelve 12 units per acre. While Tier 2 of the I-20 overlay district allows medium-density development at up to 40 units per acre with building heights of to 8 stories, the Comp Plan calls for lower densities and building heights (3 to 4 stories) at the edge of the TC area adjacent to single-family neighborhood. Based on Comp Plan policies, the applicant should revise their site plan to comply with density/building height criteria above and with the following policies of the 2035 Comprehensive plan:

Transitional Buffers - Require greater setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses.

Enhanced Buffers - Require the incorporation of enhanced buffers in efforts to protect single family neighborhoods.

Healthy Neighborhoods - Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity. Implement the recommendations of the Master Active Living Plans (MALPs).

Open Space and linkages - Encourage that all development and redevelopment in activity centers provide open space and/or contribute to the public realm with wider public sidewalks and pedestrian paths.

The existing zoning condition limiting density to 12 units per acre should be adhered to unless the applicant can satisfy enhanced open space requirements of the zoning ordinance for the proposed site. Properties located along the outer edges of the Town Center shall be sensitive to the building height of adjacent single family residential.

Cook Road should serve as a boundary buffer between the low-density single-family areas to the east and the medium density areas within the Town Center character area to the west. Transitional buffers should be

provided as required by the zoning ordinance to enhance implementation of this strategy to provide compatibility with surrounding area.

- B. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.** The modification request to develop apartment units is suitable in view of existing apartments west of the subject site.
- C. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.** The modification request does not affect the current approved MR-2(Medium Density-Residential-2) zoning District on the site.
- D. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:** The modification request does not adversely affect the use or usability of adjacent or nearby residential properties. Required stream buffers along the north eastern portion of the property to protect state waters serve as a buffer between adjacent property zoned R-75 (Residential Medium Lot) District and the proposed apartment units.
- 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.** West and adjacent to the site is property zoned MR-2 and developed with existing apartment units which is compatible to the proposed use.
- F. **Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.** It is not known if there are historic buildings, sites, districts, or archaeological resources located on the property or in the surrounding area that would be affected by the modification requests.
- 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.** The modification request to allow an increase in density with bonus qualifiers from 12 units per acre up to 24 units per acre will increase traffic in the area and have an impact on school enrollment.
- H. **Whether the zoning proposal adversely impacts the environment or surrounding natural resources.** The modification request does not appear to adversely impact the environment or surrounding natural resources.

STAFF RECOMMENDATION: APPROVAL 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 of modification request per the following 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.
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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.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map & Land Use Map
5. Aerial Photograph

NEXT STEPS

Following an approval of this modification action, one or several of the following may be required:

- ✓ • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ • **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- ✓ • **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued "administratively"; no public hearing required.)*
- **Sketch Plat & Final Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- ✓ • **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- ✓ • **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- ✓ • **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



LEED for New Construction v2.1 Registered Project Checklist

Project Name:
Project Address:

Yes ? No

Sustainable Sites 14 Points

Yes	No	Prereq	Description	Points
		Prereq 1	Erosion & Sedimentation Control	Required
		Credit 1	Site Selection	
		Credit 2	Development Density	1
		Credit 3	Brownfield Redevelopment	1
		Credit 4.1	Alternative Transportation, Public Transportation Access	1
		Credit 4.2	Alternative Transportation, Bicycle Storage & Changing Rooms	1
		Credit 4.3	Alternative Transportation, Alternative Fuel Vehicles	1
		Credit 4.4	Alternative Transportation, Parking Capacity and Carpooling	1
		Credit 5.1	Reduced Site Disturbance, Protect or Restore Open Space	1
		Credit 5.2	Reduced Site Disturbance, Development Footprint	1
		Credit 6.1	Stormwater Management, Rate and Quantity	1
		Credit 6.2	Stormwater Management, Treatment	1
		Credit 7.1	Landscape & Exterior Design to Reduce Heat Islands, Non-Roof	1
		Credit 7.2	Landscape & Exterior Design to Reduce Heat Islands, Roof	1
		Credit 8	Light Pollution Reduction	1

Yes ? No

Water Efficiency 5 Points

Yes	No	Credit	Description	Points
		Credit 1.1	Water Efficient Landscaping, Reduce by 50%	1
		Credit 1.2	Water Efficient Landscaping, No Potable Use or No Irrigation	1
		Credit 2	Innovative Wastewater Technologies	1
		Credit 3.1	Water Use Reduction, 20% Reduction	1
		Credit 3.2	Water Use Reduction, 30% Reduction	1

Yes ? No

Energy & Atmosphere 17 Points

Yes	No	Prereq	Description	Points
		Prereq 1	Fundamental Building Systems Commissioning	Required
		Prereq 2	Minimum Energy Performance	Required
		Prereq 3	CFC Reduction in HVAC&R Equipment	Required
		Credit 1	Optimize Energy Performance	1 to 10
			15% New Buildings or 5% Existing Building Renovations	
			20% New Buildings or 10% Existing Building Renovations	
			25% New Buildings or 15% Existing Building Renovations	
			30% New Buildings or 20% Existing Building Renovations	
			35% New Buildings or 25% Existing Building Renovations	
			40% New Buildings or 30% Existing Building Renovations	
			45% New Buildings or 35% Existing Building Renovations	
			50% New Buildings or 40% Existing Building Renovations	
			55% New Buildings or 45% Existing Building Renovations	
			60% New Buildings or 50% Existing Building Renovations	
		Credit 2.1	Renewable Energy, 5%	1
		Credit 2.2	Renewable Energy, 10%	1
		Credit 2.3	Renewable Energy, 20%	1
		Credit 3	Additional Commissioning	1
		Credit 4	Ozone Depletion	1
		Credit 5	Measurement & Verification	1
		Credit 6	Green Power	1



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE
THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov or
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov**

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water and consequently, State water buffer was reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

- **Retaining Wall**

Any proposed wall must comply with DeKalb County Code of Ordinances Chapter 27- 5.4.7

Zoning Comments (Jan 2019)

N1. No comment.

N2. Engineer must verify sight distance when placing driveways.

N3. No Comment.

N4 & N5. Rock Chapel Road is State Road 124. GDOT review and approval required prior to issuing any permits. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov Minor Arterial. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. No acceleration lane. Prefer deceleration lane. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. 6 foot sidewalk. Street lights required.

N6. No Comment.

N7. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Tilson Road is classified as a collector street. Right of way dedication of 35 feet from centerline, 6-foot sidewalks, street lights, bike lanes required. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N8. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. River Road is classified as a minor arterial. Right of way dedication of 35 feet from centerline, 6-foot sidewalks, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N9. Cook Road is within the GDOT I-20 Right of Way. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov . Construct sidewalks up to Flat Shoals Road within the existing right of way.

N10. No comment.

N11. No comment.

N12. No comment.

N13. No comment.

N14. Candler Road is State Route 155. GDOT review and approval required prior to permitting. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov GDOT review and approval for access is required prior to issuing any permits.

N15. Covington Hwy is a State Route. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at juhatch@dot.ga.gov . Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Covington Hwy is classified as a major arterial. Right of way dedication of 50 feet from centerline, 6 foot sidewalks,

10 foot landscape strip, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. Porter Road is classified as a local street. Bring frontage of Porter up to local street standards, including right of way dedication, as needed, sidewalks and streetlights.

N16. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Pleasant Hill Trail is classified as a local road. Right of way of 27.5 feet from centerline, six foot landscape strip, 5 foot sidewalks, street lights requires. Pleasant Hill Road is classified as a minor arterial. Right of way 40 from centerline, 10 foot landscape strip, 6 foot sidewalks, street lights required. Right of way Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. All public road right of ways must be brought up to current standards.



**DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM**

N9

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

**COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING**

2018-3068

Case No.: CZ-19-1235305

Parcel I.D. #: 15-140-03-020 & 15-140-03-018

Address: 2128, 2170

COOK Rd.

DECATUR, GA.

Adjacent Roadway (s):

(classification)	(classification)

Capacity (TPD) _____
 Latest Count (TPD) _____
 Hourly Capacity (VPH) _____
 Peak Hour Volume (VPH) _____
 Existing number of traffic lanes _____
 Existing right of way width _____
 Proposed number of traffic lanes _____
 Proposed right of way width _____

Capacity (TPD) _____
 Latest Count (TPD) _____
 Hourly Capacity (VPH) _____
 Peak Hour Volume (VPH) _____
 Existing number of traffic lanes _____
 Existing right of way width _____
 Proposed number of traffic lanes _____
 Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

PLANS AND FIELD REVIEWED, NO PROBLEM THAT WOULD INTERFERE WITH TRAFFIC FLOW.

Signature: Jerry White

DEKALB COUNTY

Board of Health

12/21/2018

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

12/21/2018

N.9

CZ-19-1235305 2018-3068 15-140-03-018; 15-140-03-020

2128 & 2170 COOK RD, DECATUR, GA 30032

Amendment

- Please review general comments.

N.10

Z-19-1235304 2018-306918-026-06-016

7189 ROCKBRIDGE RD, STN MTN 30087

Amendment

- Septic installed 11/27/2011; Car Care and paint and Collision. Please review general comments.

N.11

SLUP-19-1235307 2018-3070 18-154-05-016

1438 SHERIDAN RD, ATLANTA, GA 30324

Amendment

- Please review general comments.

N.12

SLUP-19-1235312 2018-3071 15-033-01-071

3903 SNAPPINGER RD, LITHONIA, GA 30038

Amendment

- Please review general comments.



DeKalb County
GEORGIA

Chief Executive Officer
Michael Thurmond



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director

Andrew A. Baker, AICP

MAJOR MODIFICATION APPLICATION

Date Submitted: 10/26/18 Case No.: 1235305

Existing Conditional Zoning No.: CZ-05033

APPLICANT NAME: Scott Bennett and MK Professional Services, LLC

Daytime Phone#: 770-368-3085 Fax #: 770-368-3087 E-mail: sbennett@mki-inc.com

Mailing Address: 6685 Peachtree Industrial Blvd, Doraville, GA 30360

OWNER NAME: MK Professional Services, LLC
(If more than one owner, attach contact information for each owner)

Daytime Phone#: 770-368-3085 Fax #: 770-368-3087 E-mail: pkelly@mki-inc.com

Mailing Address: 6685 Peachtree Industrial Blvd, Doraville, GA 30360

SUBJECT PROPERTY ADDRESS OR LOCATION: 2170 & 2128 Cook Road
Decatur, DeKalb County, GA, 30032

District(s): 3 Land Lot(s): 140 Block(s): _____ Parcel(s): 15-140-03-018
15-140-03-020

Acreage or Square Feet: 12.05 AC Commission District(s): Super Dist 6 Existing Zoning: MR-2

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Signature of Applicant: [Handwritten Signature]

Printed Name of Applicant: Scott Bennett

Notice Date:

2/15/18



PUBLIC NOTICE

TO

Request for a Special Land Use Permit

Filed by: MK Professional Services, LLC

Located at: 2128 and 2170 Cook Road

Current Use: Land zoned for 144 units

Proposed Use: Increase to allow 200 units

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: Gresham Apartments, Pool House

Location: 2522 Flat Shoals Road, Decatur, GA 30032

Date & Time: Wednesday, February, 28th, 2018 at 6:30 pm

LETTER OF APPLICATION

The Applicant, MK Professional Services, LLC, is seeking to lift all currently imposed zoning conditions on the subject properties; an assemblage of two (2) MR-2 zoned parcels of land having an aggregate acreage of \pm 12.135-acre parcels of assembled land located on Cook Road, to allow for the development of 24 units per acre. It is the Applicant's desire and intent to develop up to 291 units and embrace the projected idea the Dekalb County Board of Commissioners envisioned for and established within the I-20 overlay district, Tier 2 and the Town Center Character Area of the comprehensive plan.

The Applicant's desire is to develop twenty-four (24) units per acre by earning & obtaining density bonuses in accordance with the Zoning Ordinance of Dekalb County. The Applicant will incorporate:

1. Additional enhanced open space. The playground areas will include elements such as hardscape materials, active recreational playground equipment and benches; will be designed with commercial grade play equipment for two age groups, ages 1 to 5 and ages 6 to 10 and will have a shock absorbing surface with a maximum 2% slope.
2. Sustainability elements that are certified to be built for accreditation by LEED, Earthcraft or similar organization for energy and water efficient and building design.

This document is submitted as an official letter of application as required by this application and as required by the Dekalb County Zoning Ordinance. A legal boundary survey and site plan of the subject property has been filed contemporaneously with the application, along with other required materials.

IMPACT ANALYSIS

- A. The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.
- B. The zoning proposal which proposes a modification to lift all zoning conditions imposed will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- C. Reasonable economic use is not realized totally as the subject property is currently zoned with the imposed zoning conditions. The current imposed zoning conditions do not allow for the full potential of the current zoning. Furthermore, it does not align with the vision of the Dekalb County Board of commissioners for the I-20 overlay district, Tier 2 and the Town Center Character Area of the comprehensive plan. The currently imposed zoning conditions preclude the flexibility of future development.
- D. The proposed lifting of the current zoning conditions imposed will not adversely affect the existing use or usability of adjacent or nearby property, rather it will positively augment it.
- E. Other existing or changing conditions affecting the use and development of the property are that the subject property which we wish to develop upon is precisely what the Dekalb County Board of Commissioners envisioned when they established the I-20 overlay district, Tier 2 and the Town Center Character Area of the comprehensive plan. The proposed request for the lifting of the currently imposed zoning conditions of the subject property embraces this projected idea.
- F. The zoning proposal request to lift the currently imposed zoning conditions will not adversely affect historic buildings, sites, districts or archaeological resources. The applicant knows of no historic buildings, sites, districts or archaeological resources either on the subject property or located in the immediate vicinity that would suffer adverse impacts from the lifting of the currently imposed zoning conditions requested.
- G. The zoning proposal request to lift the currently imposed zoning conditions will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Z-05-33

FILE



AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING ORDINANCE MAP IN ORDER TO REZONE PROPERTY FROM R-75 DISTRICT TO RM-85 DISTRICT. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF COOK ROAD, EAST OF ITS INTERSECTION WITH FLAT SHOALS ROAD. THE PROPERTY HAS 722.29 FEET OF FRONTAGE ALONG COOK ROAD AND CONTAINS APPROXIMATELY 12.13 ACRES. THE APPLICATION IS CONDITIONED ON DEVELOPMENT OF A 149-UNIT SINGLE FAMILY ATTACHED TOWN HOME DEVELOPMENT.

APPLICANT: Cook Road OSCP1/OSCP2, LLC
OWNER:

COMMISSION DISTRICTS: 3 & 6

WHEREAS, Cook Road OSCP1/OSCP2, LLC has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located on the north side of Cook Road, east of its intersection with Flat Shoals Road, and more particularly described as follows:

All that tract or parcel of land lying and being in District 15, Land Lot 140 of DeKalb County, Georgia, containing 12.13 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 IV, Division 1, Section 27-832 and Section 27-833 for amending the DeKalb County Zoning Ordinance for the subject property from R-75 District to RM-85 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, as set forth in Section 27-4 of the DeKalb County Zoning Ordinance, an amendment to rezone property located on the north side of Cook Road, east of its intersection with Flat Shoal Road. The property has 722.29 feet of frontage along Cook Road and contains approximately 12.13 acres is hereby approved with conditions.

Part 2: That if this amendment is approved conditionally under the provisions of Section 27-833 and Section 27-841 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Section 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 (Attachment A).

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 only by the application to the Zoning Board of Appeals.



Z-05-33

ADOPTED by the DeKalb County Board of Commissioners this 26 day of
May, 2005.

Burrell Ellis
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 26 day of
May, 2005.

VERNON JONES
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

MICHAEL J. BELL
Ex-Officio Clerk
Board of Commissioners
DeKalb County, Georgia

Z-05-33



CONDITIONS FOR COOK ROAD

1. The development shall not exceed twelve (12) units per acre.
2. The Subject Property will be zoned RM-85 and developed at a density of no more than 12 units per acre.
3. The Subject Property shall price 20% of the total number of units at a level that an individual whose income is 80% of the median 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.
4. The buildings shall be constructed of a mixture of hardiplank, brick, masonry stucco, stacked stone and/or any other masonry product (excluding architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or any other cantilevered areas).
5. Developer shall install a minimum of 6 foot fence along Western property line.
6. 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.
7. Developer shall comply with all County and State ordinances and regulations regarding storm water and soil and erosion.
8. Underground utilities shall be utilized.
9. All open space, park space, landscaping, pool area, architectural controls and other common areas shall become the responsibility of a mandatory Homeowner's Association established by the Developer for this community.
10. The Developer shall install a swimming pool for the residents of the proposed development.
11. 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.

Z-05-33



FINAL CONDITIONS FOR: Z-05-33

REQUESTED BY APPLICANT:

The application is conditioned on development of a 149-unit single family attached town home development.

PLANNING DEPARTMENT:

APPROVAL. Based on the submitted information, it appears that multi-family zoning on the property would allow a use that is suitable in view of the uses and development of adjacent and nearby properties to the west. Property to the west has a land use plan classification of MDR (Medium Density Residential) and a zoning classification of RM-75 (Multi-Family Residential) which allow for a maximum of 12 units per acre. The proposed zoning amendment to the RM-85 zoning classification would allow for a maximum 18 units per acre. However, a maximum of 12 units per acre appears to be more in keeping with the existing character of the area on Cook Road to the west, and than 18 units per acres. Also, based on the physical constraints on the property, and impacts associated with density of development, traffic, access, and circulation (on Cook Road which is a two-lane dead-ends roadway that terminates into a sound barrier adjacent to Interstate Highway 20), and environmental issues, it appears that site would probably yield less than 12 units per acre. Therefore, the submitted and/or revised concept plan is not recommended as part of this consideration. Based on this, it is the recommendation of the Planning Department that the application be, "Approved, subject to the following condition:

1. Approval shall be based on a maximum of twelve (12) units per acre.

PLANNING COMMISSION:

Defer to the BOC.

BOARD OF COMMISSIONERS:

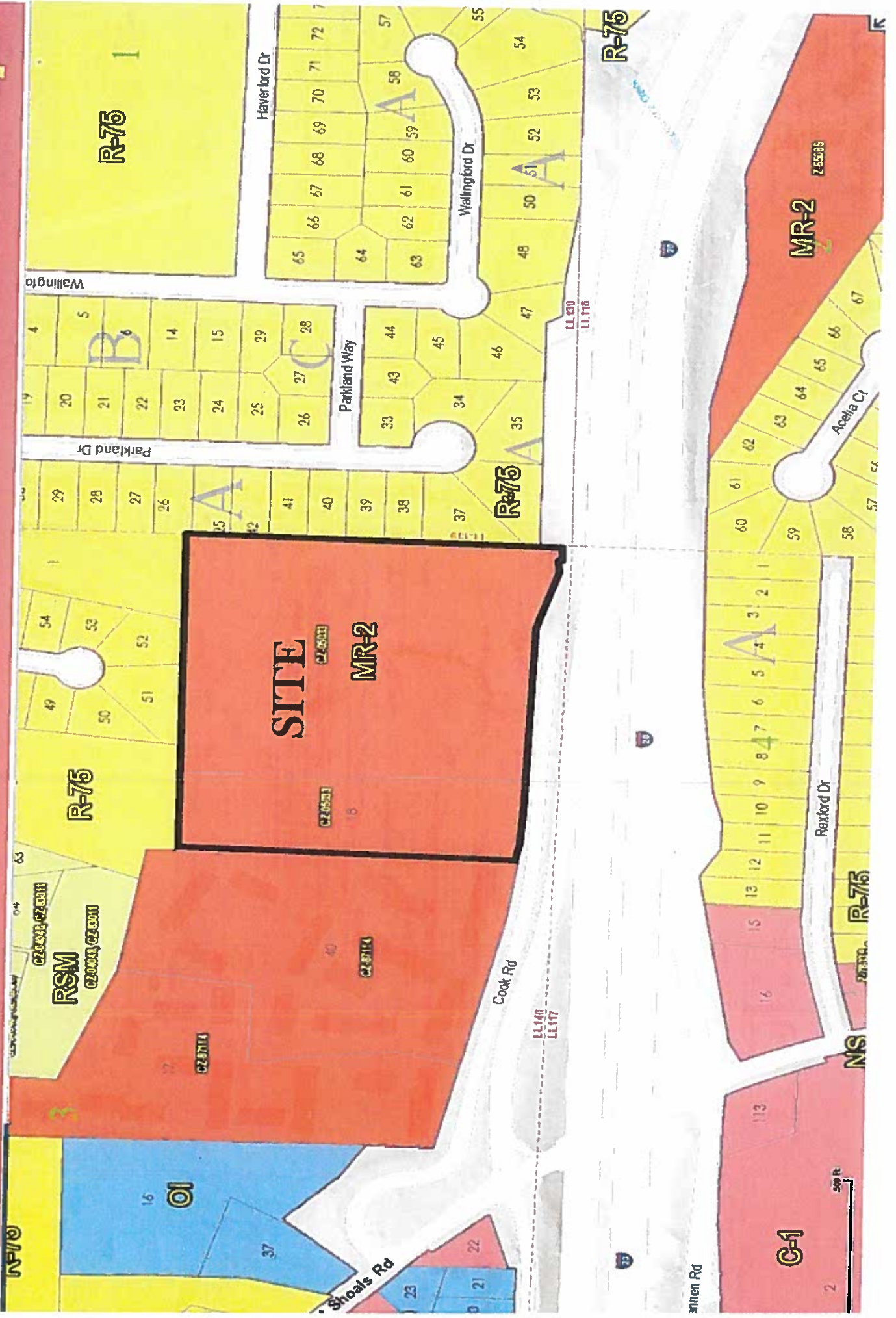
Approved with the attached conditions on May 26, 2005.

I, the undersigned, Barbara H. Sanders
 Deputy Clerk of the Board of Commissioners, DeKalb
 County, Georgia, DO HEREBY CERTIFY that the
 foregoing is a true and correct copy of an ordinance
 adopted by said Board meeting lawfully assembled on
 the 26 day of May, 2005
 And signed in presence of me at the
 day of May, 2005
Barbara H. Sanders
 Deputy Clerk of Commissioners
 DeKalb County, GA

N.9

CZ-19-1235305

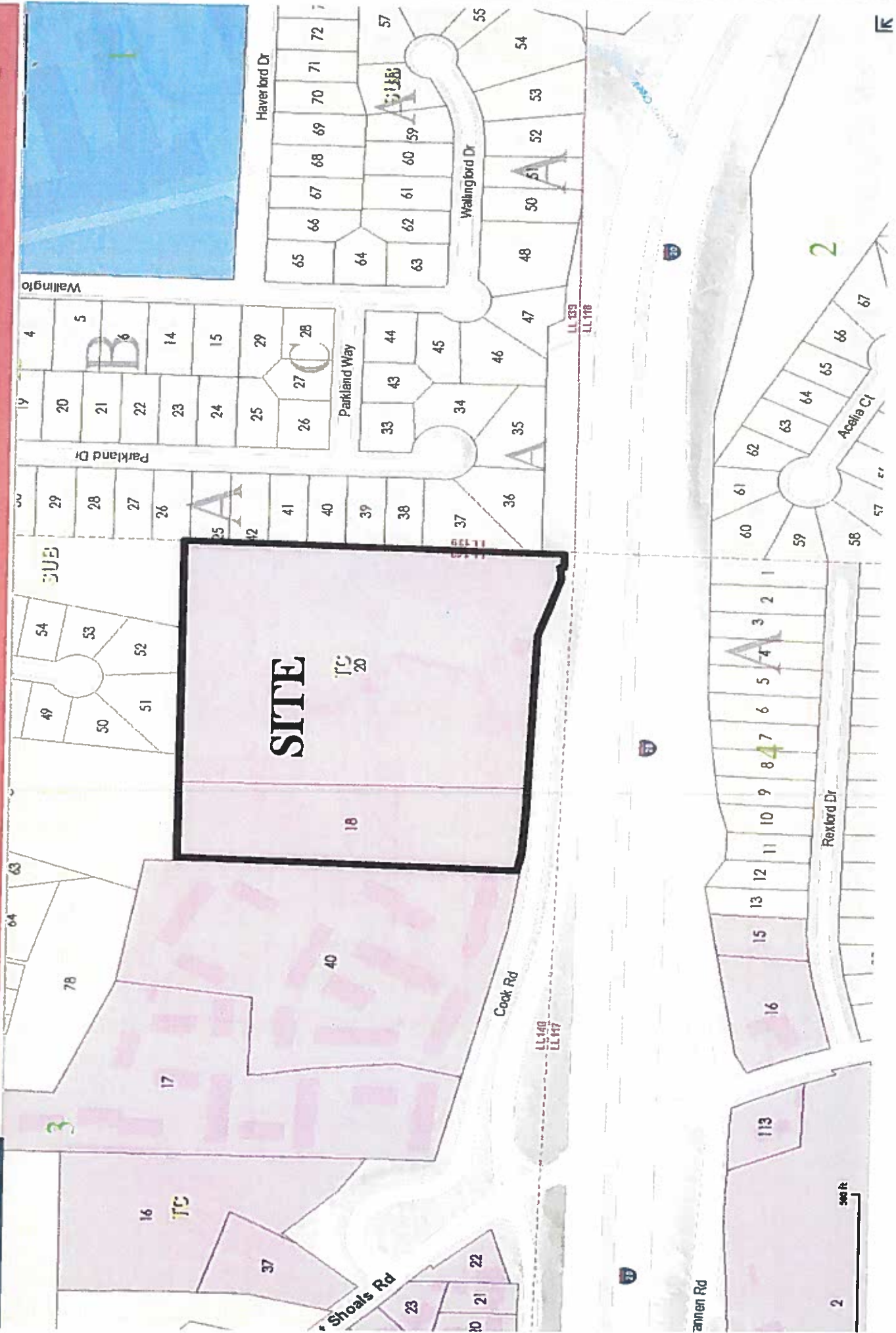
Zoning Map



N.9

CZ-19-1235305

Future Land Use Map
Town Center



N.9

CZ-19-1235305

Aerial

