

Recommended Conditions

Z-19-1243163

Rezone Property from R-100 (Residential-Medium Lot-100) to
RSM (Small Lot Residential Mix)

May ~~16~~21, 2019

1) The subject property shall be developed in substantial conformity with the lot layout, allocation and distribution of open space, and location of amenities shown on the site plan titled, "Zoning Plan for the Pendergrast Historic Farm", prepared by JVG Civil Engineering, dated 9/12/17, revised 2/27/19 and 3/7/19, and stamped as received by the Department of Planning and Sustainability on March 7, 2019. As shown by the Project Open Space Exhibit included on said site plan, the use of land on the property shall be as follows:

- a) 2.58 acres - Area A – (proposed development area) - homes, parking, vehicular circulation.
- b) 3.88 acres - Area B1 – (buildable preserved area) – recreational amenities and gardens.
- c) 2.23 acres - Area B2 – (non-buildable preserved area) - the stream buffer and the area between the stream buffer and the west property lines, with a walking trail.

Notes:

Total site acreage - 8.7 acres.

Total preserved area (B1 & B2) – 6.11 acres or 70% of total site acreage.

Net site acreage after nonbuildable preserved area (B2) is subtracted – 6.47 acres.

Remaining open space (B1) = 3.88 acres or 60% of net site acreage.

- 2) A mandatory homeowners' association will be established to manage the common open space and the proposed gardener/caretaker dwelling unit.
- 3) Prior to issuance of the final plat for the proposed development, an initial offering will be made to an entity other than the homeowners' association to place a permanent conservation easement ~~will be placed~~ on the common open space depicted on the site plan as Area B1 and Area B2, which shall allow use of the open space only for gardening, recreation, woodland conservation, and similar and related uses of a non-commercial nature, ~~and which shall be held by an entity other than the homeowners' association.~~ Documents for the conservation easement shall be filed with the County Clerk and referenced on the final plat as both a verbal citation and an outline on the plat of Areas B1 and B2 .
- 4) No vehicular through-circulation shall be allowed between Briarcliff Rd and Continental Drive.
- 5) The primary storm water detention facility shall be installed underground.
- 6) The primary means of ingress and egress by construction-related vehicles will be from

Briarcliff Road.

7) The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

~~8) A minimum of 38.25% of the property (after subtracting the stream buffer which is identified as Area B2 on the site plan cited in Condition No. 1) shall be open space and shall be enhanced with a clubhouse and associated amenities, a green, and a greenway with a trail through a stand of trees.~~

9)8) Each member of the homeowners' association shall be allowed to sponsor up to two members that shall have pedestrian access to the open space and all benefits of use of the amenities of the open space. The sponsored members shall reside on property located within ¼ mile of the subject property. Sponsored members shall apply for membership in the homeowners' association and shall not be refused membership if they live within one-quarter mile of the subject property, but may be terminated from membership if they violate any rule of the homeowners' association (other than the rule that qualifies members as a result of residing on the property) that is also applicable to members who qualify by virtue of residing on the subject property.

10)9) The homeowners' association shall operate ~~a community garden (also know as an "urban garden")~~ as defined in Section 27-4.2.55 of the DeKalb County Code, for a minimum of four month of the first twelve months that occur after issuance of the final certificate of occupancy, subject to all the requirements of Section 27-4.2.55. Sponsored members of the homeowners' association may obtain produce from the urban garden.