

Z-21-1245064 (2021-2905)
DRAFT CONDITIONS FOR REVIEW

1. The proposed private drive, parking lot, and multi-family building shall be developed in general conformity with the proposed site layout of the Concept Plan titled “Kenco LaVista” and dated 08/04/21 by Planners and Engineers Collaborative (PEC+), subject to any conditions that may be approved by the Zoning Board of Appeals for future variance requests. The site plan is conceptual and layout and building design shall be subject to approval of the Director of Planning and Sustainability Department. To the extent that there is any conflict between the site plan and the other approved conditions, set forth below, the written condition shall control.
2. The property containing 0.9 acres shall be developed with no more than twenty-one (21) multi-family residential dwelling units at a maximum density of 23.3 units per acre subject to provision and verification of all proposed density bonuses. All dwelling units shall be located within one building. Maximum building height shall not exceed three stories. The subject property shall remain a separate and distinct parcel from 2280 LaVista Road (Parcel ID: 18 111 05 006).
3. Applicant must demonstrate compliance with the density bonus criteria (five, 20% density bonuses are required to achieve density of 23.3 units per acre) including the following:
 - a. Public Improvements to improve the existing MARTA bus stop on the adjacent property to the south (N. Druid Hills Road) with a shelter (20% density bonus). A written agreement between MARTA and the applicant needs to be submitted to indicate that this improvement will be implemented per MARTA or GRTA standards and a project timeline for that implementation.
 - b. Public Improvements to improve the existing MARTA bus stop on the adjacent property to the east (LaVista Road) with a shelter (20% density bonus). A written agreement between MARTA and the applicant needs to be submitted to indicate that this improvement will be implemented per MARTA or GRTA standards and a project timeline for that implementation.
 - c. Amenity Proximity to grocery store (Kroger) (20% density bonus). The applicant needs to verify via a surveyor’s stamp on the plan that the grocery store is within a quarter mile of the subject property. Additionally, per Sec. 2.12.6, the applicant needs to indicate that there are existing sidewalks from the subject property to the grocery store, or in areas in which there are no sidewalks between the subject property and the grocery store, that the applicant will provide these pedestrian facilities.
 - d. Public art (20%). Must comply with Planning Commission criteria for public art in Article 5.
 - e. Additional public art or provide public sidewalk improvements between subject site and grocery store/shopping center amenity or provide multi-use trail (20%).
4. A minimum 50-foot-wide transitional buffer shall be preserved and/or enhanced with additional trees along the north property line. However, the Board of Zoning Appeals may grant relief and permit a transitional buffer variance from a minimum of 49 feet to a minimum of no less than 30 feet. Healthy, existing trees within this buffer shall be preserved and the buffer must be supplemented with new trees to form an effective visual screen, as approved by the County Arborist, prior to the issuance of any certificates of occupancy.

5. A minimum of 37% open space shall be provided. The applicant must provide evidence of a legal mechanism under which all land to be held in common and used for greenspace purposes within the development and all landscaping and street trees along North Druid Hills Road (outside of the right-of-way) shall be protected in perpetuity. Existing trees located within designated open space areas that are not proposed for trails, buildings, structures, or parking lots or those likely to be impacted by necessary grading shall be preserved.
6. All building facades shall be developed in general conformity with the submitted conceptual elevations titled "KencoLaVista Apartments" and dated 06/22/21 by Pimsler-Hoss Architects, Incorporated (PHA). No vinyl or exposed concrete block is allowed on the building facades.
7. Per Article 5 of the Zoning Ordinance, multi-family housing developments shall provide and maintain outdoor play and recreation areas with a minimum area of five (5) percent of the total area of the lot or four thousand (4,000) square feet, whichever is greater. All exterior units shall have balconies. Landscaping shall be provided around each building within ten (10) feet of the building and along both sides of all internal sidewalks. A minimum 3-foot wide pedestrian pathway shall be provided from the proposed sidewalks/multi-use trail along North Druid Hills Road to the building entrance of the proposed multi-family building. A 5-foot wide internal sidewalk shall connect to the sidewalk/multi-use trail along North Druid Hills Road and the east property line abutting the adjacent apartment complex.
8. All dumpsters must be screened from view on all four (4) sides so as not to be visible from adjacent properties and the public street.
9. Subject to approval of the Georgia Department of Transportation (GDOT) and/or the DeKalb County Transportation Division of Public Works, a right turn-in access with a right-turn in deceleration lane shall be provided off of and along North Druid Hills Road. A right-turn out access with a private gate designated for emergency vehicle access only shall also be provided along North Druid Hills Road. No other vehicular access shall be allowed to North Druid Hills Road, unless authorized by the Public Works Department. A shared access agreement between the subject property and the abutting property to the east containing the Kenco Apartments to allow for access to LaVista Road shall be provided prior to the issuance of any building permits. Please note the infrastructure requirements in Article 5 of the *Zoning Code* and Chapter 14-190 of the *Land Development Code*.
10. During construction, the Developer shall post a contact phone number for nearby residents to call and discuss development and construction issues. 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.
11. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Historic Preservation Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by such entity whose decision shall be independently based.

12. 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 developer shall notify residents on North Druid Hills Road and LaVista Road and property owners within a half mile. Notifications will be made by way of mailbox flyers, 24 hours in advance of any blasting.
13. The egress driveway will have a decorative gate that will remain in the closed position and locked at all times and shall not be used by Kenco's residents except for emergency situations, as needed. Kenco Residential shall present options of the gate's decorative design to the representative of the North Druid Hills Residents Association (NDHRA) for review and approval, including feedback from Fama Drive residents and adjacent property owners.
14. The entrance will include a raised island that will be landscaped and without any signage, other than as required by the County code and subject to approval of the Georgia Department of Transportation and/or the DeKalb County Transportation Division of Public Works. However, no monument signage for the apartment complex shall be erected along the North Druid Hills Road side of the property.
15. Textured or stamped paving shall be installed across the curb cuts for the North Druid Hills Road entrance, including handicap ramps to allow for travel along the sidewalk, which shall be installed in accordance with DeKalb County requirements and State of Georgia Americans with Disabilities Act (ADA) requirements. Due to the aforementioned raised island at the entrance, the pathway from one curb cut to the next shall be clearly delineated on the driveway with textured or stamped paving, not painted.
16. Furthermore, the same landscape strip and sidewalk along North Druid Hills Road shall be extended to connect and align with the existing sidewalk extending from Fama Drive to the north and to the driveway of 2800 North Druid Hills Road to the south, provided existing right of ways exist to allow such connection and no specimen hardwood trees are required to be removed and subject to approval of the DeKalb County Transportation Department and/or Georgia Department of Transportation.
17. The new parking spaces closest to North Druid Hills Road shall be screened with landscaping.
18. The new parking spaces shall include no less than one space dedicated for electric vehicle(s) with industry standard charging equipment.
19. The proposed Public Art Piece that is to be installed shall be set back from North Druid Hills Road an appropriate distance such that it will not pose a visual distraction to motorists driving northbound, nor create a safety hazard for cars exiting Fama Drive. Kenco Residential shall present options of the art piece's design to the representative of the North Druid Hills Residents Association (NDHRA) for review and approval, including feedback from Fama Drive residents and adjacent property owners. The public art piece shall be such that it fosters social interaction, potentially serving as a reference to the history of the area and/or provides elements or structures that allow children to interact and play.
20. A minimum six (6) foot high, double-sided (i.e., finished on both sides), wooden fence shall be installed along the northern boundary of the property adjacent to tax parcels 18-111-05-001 and 18-111-05-014. The fence shall be installed within 30 days of the start of the building's construction. The fence shall be stained or painted a color other than white during installation. Ongoing maintenance, upkeep, and repairs to the fences shall be provided by Kenco Residential. No other fencing of any kind shall be erected along the North Druid Hills Road side of the property.

However, at Kenco Residential's discretion, similar fencing as previously described may be erected along the adjacent tax parcel 18-111-05-004 to the south.

21. All exterior lighting shall be screened or shielded to minimize glare onto North Druid Hills Road, as well as onto any adjacent homeowners' properties to the north, to keep light inside the property.
22. Post-construction stormwater run-off shall be no greater than pre-construction stormwater run-off in accordance with the DeKalb County Code of Ordinances and as required by the Georgia Storm Water Management Manual, subject to approval by the Division of Land Development. Furthermore, water quality shall meet the minimum requirements of the Georgia Stormwater Management Manual or DeKalb County requirements. To meet these ends, Kenco Residential shall install stormwater management measures that exceed the minimum requirements so that a reasonable measure of excess capacity is included to account for future conditions that may warrant having it.
23. Kenco Residential shall present a landscape plan to the North Druid Hills Residents Association (NDHRA) representative, to then be distributed to the adjacent property owners. A maximum period of seven (7) days shall be provided to review the plan and provide reasonable comments, prior to approval by the County Arborist. The owner of tax parcels 18-111-05-014 and 18-111-05-001 shall have priority approval of the plant species along the northern property line, subject to approval by County Arborist.
24. When demolition of the two (2) existing single-family detached homes commences, they shall both be demolished in a timely manner, rather than in a piecemeal manner.
25. Kenco Residential shall employ pest and rodent abatement measures, as well as dust abatement measures, during construction.
26. During the demolition and construction phases of the project, Kenco Residential shall ensure that that it will abide by the DeKalb County Noise Ordinance at all times. There shall be no outside construction which produces loud or obtrusive noise on weekends, nor on recognized national holidays, unless such activity arises from an emergency which puts the site or neighboring property owners and their property at risk of harm or loss.