



Legislation Details (With Text)

**File #:** 2023-0341    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Preliminary Item

**File created:** 3/15/2023    **In control:** Board of Commissioners - Zoning Meeting

**On agenda:** 9/28/2023    **Final action:** 9/28/2023

**Title:** 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.

**Indexes:**

**Attachments:** 1. D4 Bouldercrest withdrawal request, 2. SLUP-23-1246391 Sept. 2023 Staff Report Cedar Grove Rd-Bldrcrst Rd, 3. SLUP-23-1246391 May 2023 Staff Report Cedar Grove Rd & Bouldercrest Rd

Date	Ver.	Action By	Action	Result
9/28/2023	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
9/12/2023	1	Planning Commission		
5/25/2023	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
5/2/2023	1	Planning Commission		

**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) Withdrawal without Prejudice.. (May 2, 2023) Full Cycle Deferral.

**PLANNING STAFF:** Withdrawal without prejudice rev. 9.19.2023.

**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. The property owner requested withdrawal without prejudice, just prior to the Planning Commission. Therefore, it is the recommendation of the Planning & Sustainability Department that the application be "Withdrawal without prejudice, per applicant's request"

**PLANNING COMMISSION VOTE:** (September 12, 2023) **Withdrawal without Prejudice 7-0-0.** Vivian Moore moved, Sarah Zou for withdrawal without prejudice, per the Applicant's request (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.