



Legislation Details (With Text)

**File #:** 2022-1471    **Version:** 1    **Name:**

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

**File created:** 4/1/2022    **In control:** Board of Commissioners - Zoning Meeting

**On agenda:** 5/25/2023    **Final action:** 5/25/2023

**Title:** COMMISSION DISTRICT(S): Commission District 03 Super District 06  
Application of PMZ Developers LLC c/o Battle Law, P.C. to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 5-Corridor1/R-100 (Residential Medium Lot) zoning district to RNC (Residential Neighborhood Conservation) zoning district to allow for single-family detached homes and single-family attached townhomes, at 4101 Bouldercrest Road.

**Indexes:**

**Attachments:** 1. Z-22-1245544 May 2023 BOC Staff Report 4101 Bouldercrest Rd, 2. Z-22-1245544 Jan 2023 BOC Staff Report 4101 Bouldercrest Rd, 3. Z-22-1245422 Staff Report Nov BOC 2022 4101 Bouldercrest Rd, 4. Z-22-1245544 Staff Report July 2022 4101 Bouldercrest Rd, 5. Z-22-1245544 Staff Report May 2022 4101 Bouldercrest Rd

Date	Ver.	Action By	Action	Result
5/25/2023	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
5/2/2023	1	Planning Commission		
1/26/2023	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
1/5/2023	1	Planning Commission		
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
11/1/2022	1	Planning Commission	Full cycle deferral per staff recommendation	Pass
7/28/2022	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
7/12/2022	1	Planning Commission		
5/26/2022	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
5/3/2022	1	Planning Commission	Full cycle deferral per staff recommendation	Pass

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): Commission District 03 Super District 06**  
**Application of PMZ Developers LLC c/o Battle Law, P.C. to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 5-Corridor1/R-100 (Residential Medium Lot) zoning district to RNC (Residential Neighborhood Conservation) zoning district to allow for single-family detached homes and single-family attached townhomes, at 4101 Bouldercrest Road.**

**PETITION NO: D1-2022-1471 Z-22-1245544**

**PROPOSED USE: Single-family detached homes; single-family attached townhomes.**

**LOCATION:** 4101 Bouldercrest Road, Ellenwood, Georgia 30294

**PARCEL NO. :** 15-010-01-004

**INFO. CONTACT:** John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of PMZ Developers LLC c/o Battle Law, P.C. to rezone property from Bouldercrest Cedar Grove Moreland Overlay District Tier 5-Corridor1/R-100 (Residential Medium Lot) zoning district to RNC (Residential Neighborhood Conservation) zoning district to allow for single-family detached homes and single-family attached townhomes. The property is located on the west side of Bouldercrest Road, approximately 360 feet south of Boulder Springs Point at 4104 Bouldercrest Road in Ellenwood, Georgia. The property has approximately 400 feet of frontage along Bouldercrest Road and contains 22.14 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (April 12, 2023) Denial. (December 7, 2022) Deferral. (October 12, 2022) Deferral. (June 8, 2022) Full Cycle Deferral. (April 13, 2022) Denial.

**PLANNING COMMISSION:** (May 2, 2023) Denial. (January 5, 2023) Full Cycle Deferral. (November 1, 2022) Full Cycle Deferral. (July 12, 2022) Two-Cycle Deferral. (May 3, 2022) Full Cycle Deferral.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** This rezoning application has been considered and deferred several times by the Board of Commissioners for the past year since May of 2022. It was most recently deferred from the January 26, 2023 Board of Commissioners meeting. Planning Department has received and updated plan since that meeting (see attached). After the November 17th Board of Commissioner meeting, the applicant had revised the proposed rezoning request from RSM to RNC (Residential Neighborhood Conservation District) and submitted a new site plan (see attached). The revised plan decreased the number of units from 100 on the original plan to 80, decreased the number of single-family detached units from 27 to 10 homes, and increased the number of townhomes from 67 to 70 units. The overall density had decreased from 4.5 units per acre to 3.6 units per acre. Additionally, the revised plan shows the following changes: 1. A 20-foot-wide access easement on the western edge of the property; and 2. The plans appear to clarify that the proposed townhomes are condominium since there are no lot lines for each individual unit shown. The proposed RNC request is not consistent with the purpose and intent of the RNC zoning district to “*encourage creative residential planning and development within the county that will preserve unique environmental features and be consistent with the comprehensive land use plan and the Green DeKalb Initiative that provides greenspace areas and preserves existing natural trees and vegetation*“ since the proposed plan does not indicate what types of trees, environmental features, and non-buildable areas of the site are proposed for preservation and no tree surveys have been submitted as required by the RNC district requirements. Additionally, no 30-foot-wide undisturbed buffer is being shown along the north property line between the proposed townhomes and the abutting single-family detached subdivision as required by the RNC district requirements. Since the request is not consistent with the purpose and intent of RNC zoning and does not appear to comply with required transitional buffers, it is not compatible with adjacent and nearby properties (Sec 7.4.6.A). The plan also proposes several long straight-a- ways throughout the project site and does not specifically indicate if there is compliance with the 600-foot maximum block length allowed by Section 5.1.1.B.2 of the *Zoning Ordinance* and may not comply with the intent of

Section 5.1.1.A.3 of the *Zoning Ordinance*, which calls for “*vehicular circulation at safe speeds.*” Therefore, it appears that the proposed rezoning request is not consistent with the policies and strategies of the Suburban Character Area to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns (Suburban Residential Protection Strategy, p. 115). There are also some details that need to be provided and/or clarified to ensure that the plan is conforming to RNC zoning standards and is compatible with adjacent and surrounding properties as follows: 1. **Tabular Data:** Additional tabular data needs to be provided to show compliance with RNC requirements including but not limited to the following: a. indicate min lot width of proposed fee-simple single-family detached lots; b. verify that proposed 30% greenspace excludes undevelopable areas of the site as required by RNC district; c. specifically show that at least 50% of greenspace is contiguous with minimum width of 50 feet; d. provide a 30-foot wide undisturbed buffer along the north property line; and 4. Show compliance with maximum 600- foot block length on the site plan. These issues need to be corrected to show conformance with *Zoning Ordinance* requirements which contributes to compatibility with surrounding properties. 2. **Stub Out:** The plan needs to provide a road stub-out at the western end of the property to provide future inter-parcel connection to future development on the abutting property to the west to show compliance with Section 6.1.C (Shared Driveways and Inter-parcel Access) of the *Zoning Ordinance*. The approved zoning conditions for the adjacent MU-1 zoned property to the west required that this stub-out be provided to the subject property to allow for vehicular access to a major arterial road (Bouldercrest Road) (see condition # 1 of CZ 18 21828). While the revised plan provides an access easement to allow for the opportunity for a road stub out, it does not provide the road stub-out to show that this inter-parcel access will be provided. 3. **Conceptual Design:** The preferred layout for a mixed-housing project to provide compatibility with surrounding established single-family subdivisions would be to have open space and/or single-family detached lots along the perimeter of the site, with any proposed townhomes clustered in the middle of the site. However, this would probably require a further reduction in dwelling units and the applicant has indicated in past meetings with Staff that the narrow shape and significant environmental constraints of the property would not allow this type of design. Therefore, based on review of Section 7.3.5.b, d, and e of the *DeKalb County Zoning Ordinance*, the Planning & Sustainability Department respectfully recommends “Denial”.

**PLANNING COMMISSION VOTE: (May 2, 2023) Denial 6-2-0.** Vivian Moore moved, Jon West seconded for Denial, per Staff recommendation. Jan Costello & Edward Patton opposed. **(January 5, 2023) Full Cycle Deferral 9-0-0.** Jana Johnson moved, Vivian Moore seconded for a Full Cycle Deferral to the March 2023 zoning agenda. **(November 1, 2022) Full Cycle Deferral 7-0-0.** Vivian Moore moved, Jon West seconded for a full cycle deferral to the January 2023 zoning agenda, per Staff recommendation. **(July 12, 2022) Two-cycle deferral 7-0-0.** Vivian Moore moved, LaSonya Osler seconded for a two-cycle deferral to the November 2022 zoning agenda, per Staff recommendation. **(May 3, 2022) Full Cycle Deferral 7-0-0.** Vivian Moore moved, LaSonya Osler seconded for a Full Cycle Deferral to the July 2022 zoning agenda, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Apr. 12, 2023) Denial 6-0-0.** Discussion included that there was not the transportation infrastructure to handle the large amount of additional traffic townhomes would generate. **(Dec. 7, 2023) Full Cycle Deferral 9-0-0.** To allow the applicant to hold a community meeting on December 20th so that the community can weigh in on the revised plan that was submitted at the December 7th Community Council meeting. **(October 2022) Full Cycle Deferral 5-1-0.** Applicant indicated they would be submitting an amended application to the RNC (Residential Neighborhood Conservation) district. The Council recommended Full Cycle Deferral to allow the applicant time to redesign the plan to address the following: 1. Potential School Overcrowding; 2. Traffic impacts; 3. Potential street racing issues along the proposed long narrow road connecting the single-family detached and townhome portions of the project; 4. Potential flooding impacts.; 5. Conceptual elevations of the proposed single-family detached units; 6. Emergency vehicle access; and, 7. Provide open space and parks where children can play. **(June 2022) Full Cycle Deferral 7-0-0.** Recommendation for full-cycle deferral is in response to applicant

request for deferral to re-think the proposal and revise the site plan. **(April 2022) Denial 7-1-0.** CC-3 Board members thought that there would be negative storm water drainage within the site; that the density allowed by RSM would be too high and would generate negative impacts on the public infrastructure; and that the development would displace deer and other wildlife that would invade existing developed properties.