

# Agenda Item

File ID: 2019-4356

Substitute

1/28/2020

Public Hearing: YES  NO

Department: Planning and Sustainability

## SUBJECT:

Commission District(s): 3 & 7

Petition No.: D1. Z-19-1243522

Proposed Use: Townhomes

Location: 3792 Harvest Drive, Decatur GA, 30034

Parcel No.: 15-060-01-191

Information Contact: Marian Eisenberg

Phone Number: 404-371-4922

## PURPOSE:

Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre. The property has 100 feet along Harvest Drive and contains 10.265 acres.

## RECOMMENDATION:

COMMUNITY COUNCIL: (12/11/19) Denial (10/14/19) No quorum, no recommendation

PLANNING COMMISSION: (1/7/20) Approval w/ modified conditions (11/7/19) Approval with added conditions

STAFF RECOMMENDATION: (1/7/20) Approval with conditions (11/21/19) Approval with conditions

PLANNING STAFF ANALYSIS: The proposed request to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to construct sixty one single attached townhomes is compatible with the Suburban (SUB) Character Area in the 2035 Comprehensive Land Use Plan and the following policies: density increases, infill development and residential protection. Therefore, it is the recommendation of the Planning and Sustainability Department that the rezoning from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District be approved with Staff's recommended conditions.

PLANNING COMMISSION VOTE: (1/7/20) Approval with modified conditions 8-1-0. L. Osler moved, V. Moore seconded for approval with conditions, per Staff's recommendation with a modification to condition #2 to add the word "frontage" to Harvest Drive; and, an added condition #7 to read: "Applicant shall provide for relocation of bus stop during and after construction. T. Snipes opposed. (11/7/19) Approval 7-1-0; V. Moore moved, E. Patton seconded for approval with Staff's conditions, with two added conditions: 1) There shall be a 35% rental cap; and 2) Establish an HOA. T. Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (12/11/19) Denial 9-1-0. A concerned resident made the following comments: 1) The property is in an environmental hazard area; 2) Not all community

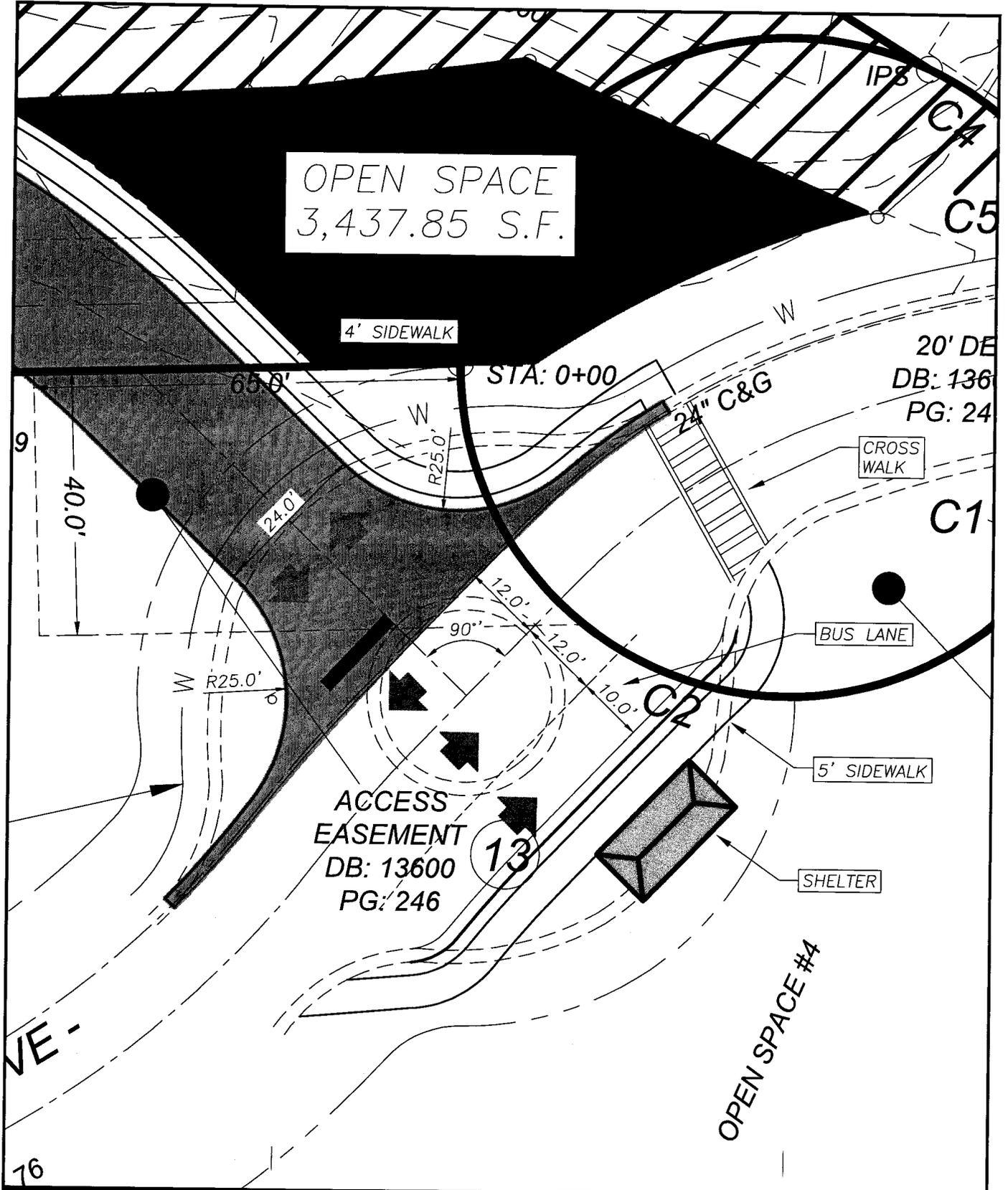
members were properly notified; and 3) There have been fair housing complaints. He did not explain the relation of the latter to the rezoning application. There was no discussion by Board members of the reason(s) for their recommendation. (10/14/19) No quorum. No recommendation

## Recommended Conditions

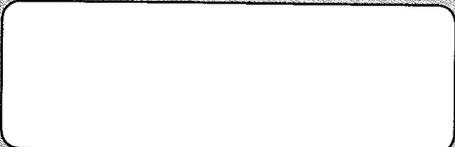
Z-19-1243522

1. Subject property shall be developed with no more than 61 attached single-family townhomes per the site plan dated 8/19/19 submitted to the Planning and Sustainability Department on 1/17/2020.
2. Internal and external five-foot sidewalks and five-foot landscape strip along Harvest Drive frontage.
3. The Land Development Division of the Department of Planning and Sustainability requires off street paved parking to ensure safe vehicle circulation.
4. Townhome facades shall be constructed with at least three sides brick, stacked stone, or masonry stucco excluding architectural decorative features.
5. Rental units shall be limited to 35%
6. There shall be a mandatory home owners association for this development in compliance with state law and the Code of DeKalb County.
7. Applicant shall provide for relocation of bus stop during and after construction.
8. The roundabout in the Harvest Drive ROW shall be removed, and the street shall be reconfigured as set forth in Exhibit "A" attached hereto, and the bus shelter shall be installed as shown, subject to approval of the DeKalb County Transportation Department, and the Board of Commissioners regarding any portion of the ROW that needs to be abandoned.

EXHIBIT A



Land Solution Associates, LLC  
 P.O. Box 1404  
 Grayson, GA 30017  
 (o) 678.725.4631



SHEET TITLE  
 LOCATION  
 MAP  
 SCALE: (N.T.S.)

PROJECT NUMBER  
 1  
 DRAWING NUMBER