

# Agenda Item

File ID: 2022-2254

Substitute

5/23/2023

Public Hearing: YES  NO

Department: Planning and Sustainability

## SUBJECT:

Commission District(s): Commission District 04 Super District 06

Application of Avondale Park, LLC c/o Felipe Castellanos for a Major Modification to zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed-Use Very High Density) Zoning District for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units, at 3458, 3468 and 3478 Mountain Drive.

Petition No.: CZ-22-1246039

Proposed Use: A Major Modification to zoning conditions pursuant to CZ-21-1245061.

Location: 3458, 3468 and 3478 Mountain Drive, Decatur, Georgia 30032.

Parcel No.: 15-251-01-028

Information Contact: John Reid, Sr. Planner

Phone Number: 404-371-2155

## PURPOSE:

Application of Avondale Park, LLC c/o Felipe Castellanos for a Major Modification to zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed-Use Very High Density) Zoning District for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units. The property is located on the north side of Mountain Drive, approximately 250 feet east of Farrar Court at 3458, 3468, and 3478 Mountain Drive, Decatur, Georgia. The property has approximately 358 feet of frontage on Mountain Drive and contains 9.32 acres.

## RECOMMENDATION:

COMMUNITY COUNCIL: (February 16, 2023) Approval w/condition. (October 18, 2022) Approval.

PLANNING COMMISSION: (March 7, 2023) Two-Cycle Deferral. (November 1, 2023) 3-Cycle Deferral.

STAFF RECOMMENDATION: Approval with Conditions (5.18.2023)

PLANNING STAFF ANALYSIS: This item was deferred from the May 9, 2023 Board of Commissioner public hearing to allow the applicant time to show compliance with providing a minimum of 20% commercial land uses in the mixed-use project as required by the Zoning Ordinance. The subject property has undergone many modifications over the years. It was rezoned from R-75 to C-1 in 1985. A 2015 proposal rezoned the property from C1 to PC-3 (Pedestrian Community). PC-3 was converted to MU-5 (Mixed Use Very High Density) in 2015. In 2015, the Board of Commissioners approved a redevelopment proposal (CZ 15 19443) which consisted of 11 single-family, detached homes, 35 townhome units, 60 multi-family residential units, 149,100 square feet of office space, and 115,200 square feet of retail space. In 2018, the Board of Commissioners approved a major

modification to the project (CZ-18-22125) that reduced the number of single-family, detached homes, increased the number of single-family, attached homes, and removed multi-family units from the project. The office space component remained unchanged at 149,100 square feet, and retail space was reduced from 115,200 to 35,700 square feet. Modifications to building materials, landscaping, and building heights were granted. Lastly in March 2022, the Board of Commissioners approved major modifications related to the residential elevations and building materials and added conditions for solar power and electric vehicle charging (CZ 21 1245061). Modifications to the proposed commercial buildings and the inclusion of live-work units were withdrawn by the applicant. This major modification proposal revisits the configuration and use of the proposed commercial buildings. Currently, the approved site plan includes two office buildings and retail buildings, in addition to the approved residential components that are presently in the development process. Since the last Board of Commissioners meeting the applicant has indicated there will be compliance with the minimum 20% commercial land use requirement within the proposed mixed-use building, which is also a recommended condition of zoning approval. The applicant proposes to consolidate most of the commercial uses into one 8-story mixed-use structure with 49,000 square feet of commercial space on the ground and second floors for a minimum of 20% of the mixed-use building square footage and approximately 202 apartment units. It appears that the re-introduction of multifamily dwelling units is acceptable and in conjunction with the proposed commercial uses is consistent with the mixed-use goals of the Zoning Ordinance and the Kensington Regional Activity Center activity center. Therefore, upon review of Section 7.3.5 of the *Zoning Ordinance*, Staff recommends approval with conditions.

**PLANNING COMMISSION VOTE: (March 7, 2023) Two-Cycle Deferral 8-0-1.** LaSonya Osler moved, Jana Johnson seconded for a Two-Cycle Deferral to the July 2023 zoning agenda. Jon West abstained. **(November 1, 2022) 3-Cycle Deferral 7-1-0.** LaSonya Osler moved, Jana Johnson seconded for a 3-cycle deferral to the May 2023 zoning agenda, per Staff recommendation. Jan Costello opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: (February 16, 2023) Approval w/condition 11-0-0.** Approval with the condition that the 2018 approved conditions remain. **(October 18, 2022) Approval 9-0-0.**

**SUBSTITUTE  
ZONING CONDITIONS  
CZ-21-1246039 (2022-2254)  
5-23-23**

1. The project site shall be developed in general conformity with the location of streets, land uses, and buildings as shown on the site plan “*Proposed Development at Avondale Park*”, prepared by Proterra Development LLC, dated June 13, 2018. A buffer with a depth of 10 to 20 feet shall be provided between the proposed alley (“Catalan Circle”) of the proposed townhomes and the western property line (abutting the Farrar Court single-family subdivision) as shown on the aforementioned site plan. Existing trees within the transitional buffer shall be preserved and supplemented with new trees to form an effective visual screen as approved by the County Arborist. Invasive species such as bamboo may be removed from the buffer and additional plantings can be added to form a visual screen. Where invasive species are removed from the buffer, special consideration shall be given to prevent erosion and sedimentation during construction. A screen shall be installed along the entire length of the west property line and at the rear property lines of the single-family homes along the east property line, which shall consist of 1) an opaque fence with the finished side facing outwards and with a height of a minimum of six feet and 2) sufficient numbers of the following trees to provide a solid screen at maturity: arbor vitae, cryptomeria, or giant arbor vitae.
2. The landscape plan shall be in substantial compliance to Exhibit E Avondale Park and shall comply with Article 5 and Chapter 14 of the DeKalb County Code. If trees are replaced in the buffer, the preferred trees are one of or a combination of white oak, shumard red oak, southern red oak, or northern red oak. These are also the preferred trees for street trees within the development. The final landscaping plan shall be approved by the County arborist and shall take into consideration the recompense required under the tree ordinance. Within the development, street trees may be planted off the right-of-way if they would otherwise interfere with buried utilities. Recompense should take place within the immediate vicinity of the development along Mountain Drive or along Farrar Court.
3. The development shall comply with Sketch Plan requirements for subdivision prior to the issuance of a Land Disturbance Permit.
4. An outdoor lighting plan shall be submitted, reviewed, and approved by the Planning and Sustainability Department for compliance to the regulations of Section 27-5.6.1 of the County Code prior to the issuance of any building permits. The residential fixtures will be the “Savannah” lamp. Drop dish refractors are prohibited.
5. During construction, the Developer shall post a contact phone number that nearby residents can call to discuss development and construction issues. The developer shall use temporary Best Management Practices (BMPs) for run-off and temporary sedimentation storage in compliance with Section 14.38 (Soil Erosion and Sediment Control), subject to approval of the Land Development Division of the Department of Planning and Sustainability. If the Land Development Division determines that the property owners of Farrar Court (in particular those who will not have the benefit of an undisturbed buffer) are susceptible to damage from erosion, the Department may require, at a minimum, additional row(s) of silt fencing and bales of straw to protect the adjacent properties.
6. Provide compliance with Section 14-40 and Section 14-42 of the DeKalb County Code regarding storm water management and water quality control.
7. Open space and park space shall be as shown on the site plan cited in Condition No. 1. Z-21-245061

8. The townhomes and single-family detached units shall have a minimum floor area of 1,200 square feet.

9. All residential buildings shall be designed to have a pitched roof.

10. The building materials shall be those listed in Exhibit B Construction Details of CZ-15-19943. Singlefamily attached townhomes shall be substantially similar in design to those depicted in AtlT204 Elevation Plans dated 8/12/21, Elevation Plans Front Elevations, Elevation Plans Rear Elevations, and Elevation Plans Side Elevations. Single-family detached homes shall be similar to those depicted in Atl E128 and Atl E129. The facades of the parking decks shall be consistent with the remainder of the building and shall use the same building materials. The side elevations of all single-family attached townhomes and singlefamily detached homes shall have windows and architectural detailing as required in Section 27-5.7.6(I)(1) of the County Code.

11. [The mixed-use building shall contain at least 20% non-residential land uses on the ground and second floors prior to issuance of any certificates of occupancy for the last 10 apartment units.](#) Commercial uses shall be limited to those permitted in the NS (Neighborhood Shopping) District. The following uses are prohibited within the Project Site:

- a. Animal hospital, veterinary clinic, or boarding or breeding kennels
- b. Convent or monastery
- c. Private elementary, middle, or high school
- d. Hotel, motel, extended stay hotel/motel, or boarding or rooming house
- e. Movie theater or bowling alley
- f. Farm or garden supply store
- g. Liquorstore, including retail liquorstore as accessory use to hotels, motels and high- rise office building
- h. Adult entertainment establishment or adultservice facility
- i. Nightclubs or late-night establishments
- j. Coin-operated laundry or dry-cleaning store (specifically excluding dry-cleaning pressing establishments or pick-up stations and coin-operated laundry facilities within the interior of any multifamily apartment building)
- k. Home appliance repair or service establishment
- l. Special events facility
- m. Drive-through facility (other than dry-cleaning pick-up station)
- n. Pawn shop
- o. Check cashing establishment
- p. Place of worship
- q. Convenience store
- r. Gas station

12. Maximum building height of ~~mixed-use non-residential~~ buildings shall be eight stories. Additionally, the mixed-use building shall be constructed in general conformity with the enclosed major modification site plan, floor plans, and elevations. The townhomes along the west side of the site shall be no more than 40 feet high.
13. Subject to Georgia Department of Transportation approval, the developer shall provide a 6-foot-wide sidewalk and a 10-foot-wide landscape strip within the Mountain Drive right-of-way prior to the issuance of any certificates of occupancy. Within the landscape strip, provide a minimum of one street tree for every 50 feet of street frontage along Mountain Drive or as approved by the County Arborist so long as there is a minimum of seven trees.
14. Refuse areas shall be screened from public streets and shall be fenced or screened with a combination of materials and colors to match building materials of primary buildings.
15. Recycle collection bins shall be provided for the tenants residing in the townhome and multifamily buildings.
16. No direct vehicular access shall be permitted from the subject property to Farrar Court.
17. Secure bicycle storage lockers shall be provided within the parking deck of the stacked flat residential buildings. The space shall be sufficient for a minimum of 20 bikes.
18. No more than one ground sign shall be permitted on the Mountain Drive frontage. The ground sign shall be a monument style sign with a base and framework made of brick or stone and a maximum height of 6 feet.
19. 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.
20. A sidewalk shall be extended from the east property line of the subject property to the sidewalk stub located approximately 70 feet from the eastern edge of the driveway into the Tax Commissioner's office.
21. In order to save as many significant trees as possible, utilities shall be installed by tunneling under tree roots, subject to approval by the County Arborist.
22. The developer shall have a soil study and a water percolation test performed before clearing trees and shall submit the study and test results to the DeKalb County staff, who shall determine whether the site is suitable for land disturbance.
23. The developer shall notify residents of properties on Farrar Court, by way of mailbox flyers, 24 hours in advance of any blasting.
24. The proposed sidewalk along Mountain Drive shall be completed in the first phase of construction, pending GDOT approval.

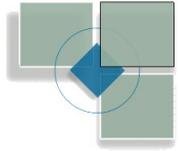


# DeKalb County Department of Planning & Sustainability

178 Sams Street Suite 3600

Decatur, GA 30030

(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)



Michael Thurmond  
Chief Executive Officer

**Board of Commissioners Hearing Date: May 23, 2023**

## STAFF ANALYSIS

# SUBSTITUTE

**Case No.:** CZ-21-1246039 **Agenda #:** 2022-2254

**Location/Address:** The north side of Mountain Drive, approximately 250 feet east of Farrar Court at 3458, 3468, and 3478 Mountain Drive in Decatur. Commission District: 4 Super District: 6

**Parcel ID:** 15-251-01-028

**Request:** For a Major Modification to modify zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed-Use Very High Density) zoning district for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units.

**Property Owner:** Avondale Park, LLC

**Applicant/Agent:** Avondale Park, LLC c/o Felipe Castellanos

**Acreage:** 9.32

**Existing Land Use:** Vacant land & townhomes

**Surrounding Properties:** To the northwest, north, and northeast: the Oak Creek Apartment Homes; to the east: the DeKalb County Tax Commissioner’s Office; to the southeast: DeKalb County Juvenile Court; to the south and southwest: the Park Plaza office park; to the west: the Farrar Court single-family subdivision.

**Adjacent Zoning:** North: MR-2 South: O-I East: C-1 West: R-75

**Comprehensive Plan:** RC (Regional Center) **Consistent**  **Inconsistent**

**Proposed Density:** 21.67 units per acre

**Existing Density:** NA

**Proposed Units/Square Ft.:** up to 202 apartment units

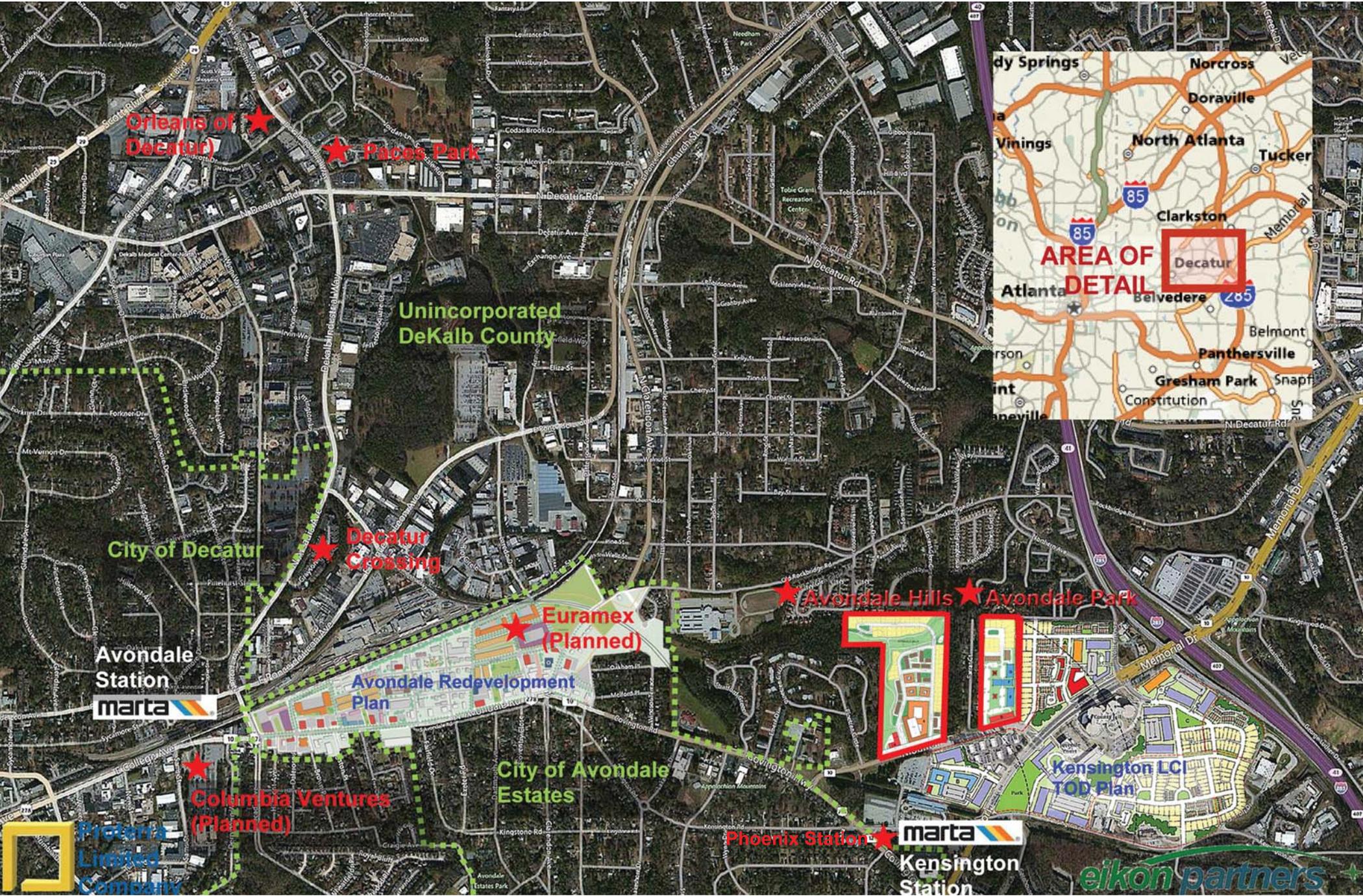
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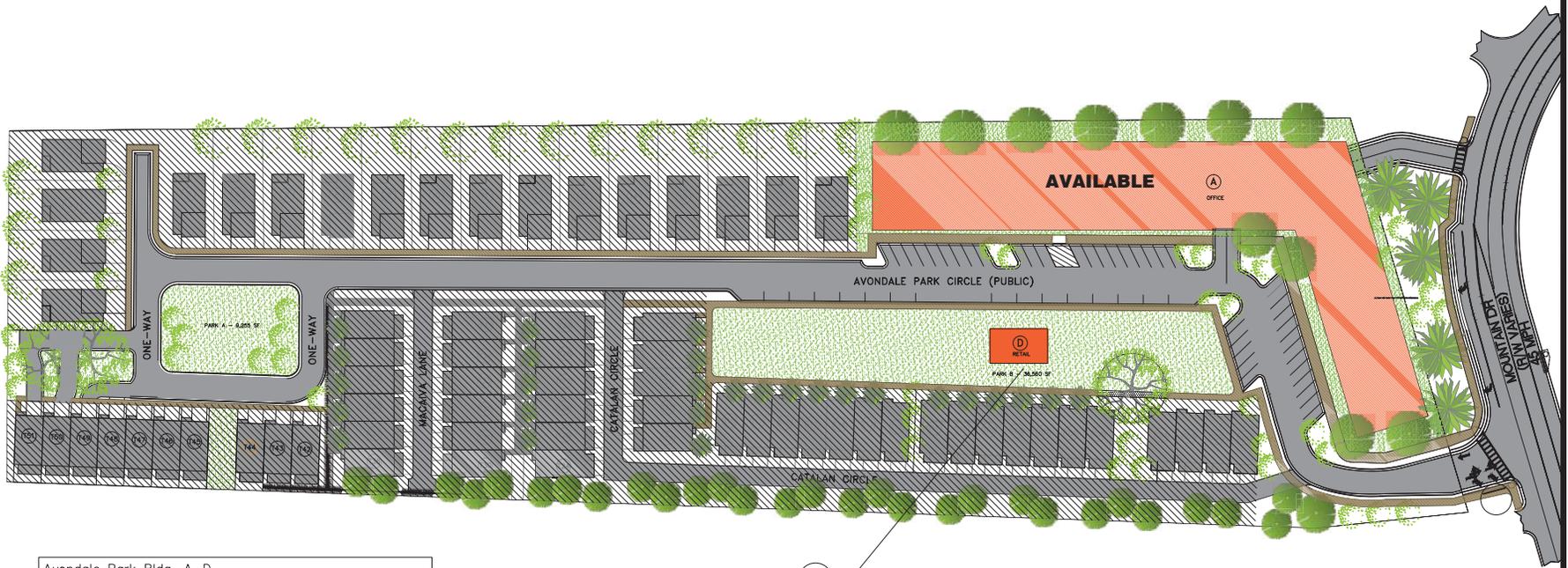
**Proposed Lot Coverage:** NA

**Existing Lot Coverage:** NA

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS (Revised 05/18/23)** This item was deferred from the May 9, 2023 Board of Commissioner public hearing to allow the applicant time to show compliance with providing a minimum of 20% commercial land uses in the mixed-use project as required by the *Zoning Ordinance*. The subject property has undergone many modifications over the years. It was rezoned from R-75 to C-1 in 1985. A 2015 proposal rezoned the property from C1 to PC-3 (Pedestrian Community). PC-3 was converted to MU-5 (Mixed Use Very High Density) in 2015. In 2015, the Board of Commissioners approved a redevelopment proposal (CZ 15 19443) which consisted of 11 single-family, detached homes, 35 townhome units, 60 multi-family residential units, 149,100 square feet of office space, and 115,200 square feet of retail space. In 2018, the Board of Commissioners approved a major modification to the project (CZ-18-22125) that reduced the number of single-family, detached homes, increased the number of single-family, attached homes, and removed multi-family units from the project. The office space component remained unchanged at 149,100 square feet, and retail space was reduced from 115,200 to 35,700 square feet. Modifications to building materials, landscaping, and building heights were granted. Lastly in March 2022, the Board of Commissioners approved major modifications related to the residential elevations and building materials and added conditions for solar power and electric vehicle charging (CZ 21 1245061). Modifications to the proposed commercial buildings and the inclusion of live-work units were withdrawn by the applicant.

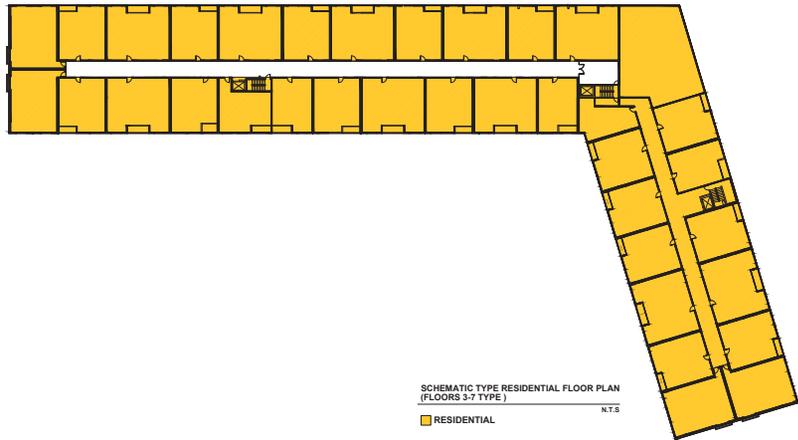
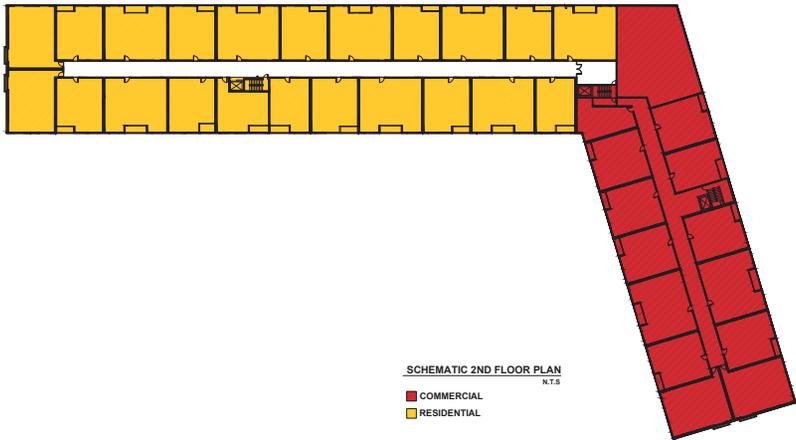
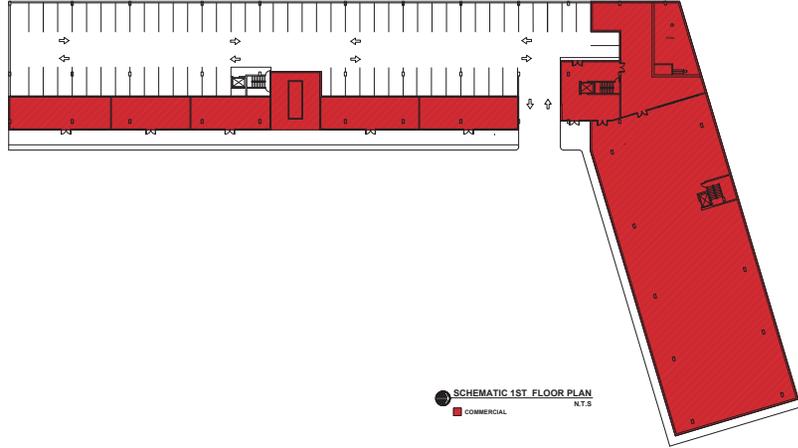
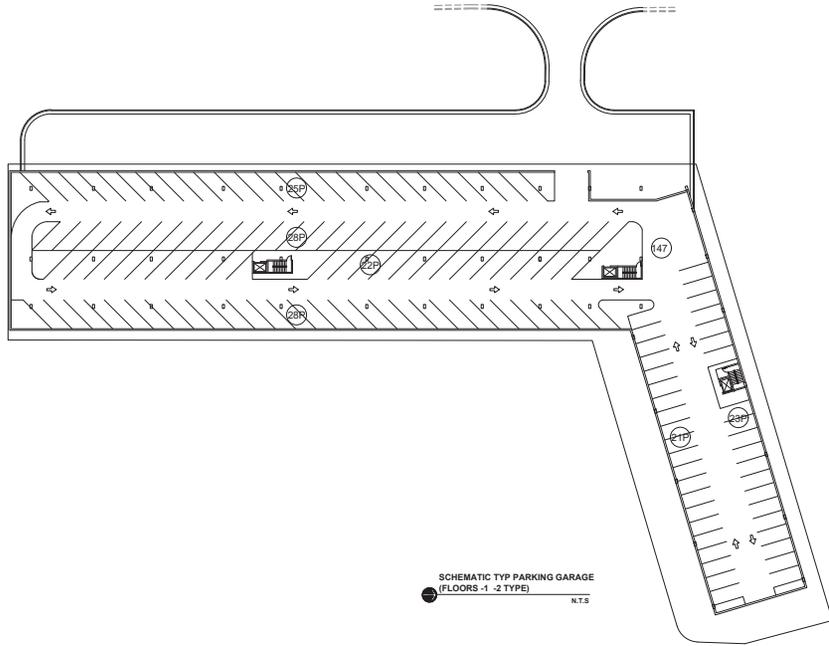
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Avondale Park Bldg. A-D		
Zoning MU-5		
Site Data		
Commercial -----	49615	20%
Residential 202 units -----	201769	80%
Total -----	251384	100%
<u>Parking Provided</u>		
Ground Floor -----	127	
Parking Garage -----	293	
Total Parking -----	420	
<u>Parking Required</u>		
Residential 1.5 per unit - 25% reduction MARTA	127	
Commercial 1 parking per 300 sft gross	165	
Total spaces required -----	392	

**AVAILABLE** (D) RETAIL







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