

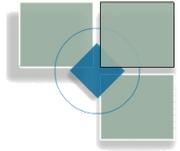


# DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: January 8, 2019, 6:30 P.M.**

**Board of Commissioners Hearing Date: January 22, 2019 6:30 P.M.**

## STAFF ANALYSIS

**Case No.:** Z-19-1235291 **Agenda #:** N7

**Location/Address:** 2080 Tilson Road, Decatur, Georgia **Commission District:** 3 **Super District:** 6

**Parcel ID:** 15-140-04-011

**Request:** To rezone property from R-75 (Residential Medium Lot) to RSM (Small Lot Residential Mix) to allow the development of 20 single-family homes.

**Property Owner:** Greater White Rock Baptist Church

**Applicant/Agent:** VC Development LLC

**Acreage:** 4.1 acres

**Existing Land Use:** Vacant land

**Surrounding Properties:** Single-family homes to the north and west; single-family homes and vacant land to the south across Tilson Road; and a church (Greater White Rock Baptist Church) and single-family homes to the east.

**Adjacent Zoning:** **North:** R-75 **South:** R-75 & RSM **East:** R-75 **West:** R-75

**Comprehensive Plan:** SUB **Consistent**  **Inconsistent**

**Proposed Density:** 4.76 units per acre **Existing Density:** NA  
**Proposed Units/Square Ft.:** 20 single-family homes **Existing Units/Square Feet:** Vacant  
**Proposed Lot Coverage:** 50% **Existing Lot Coverage:** NA

### ZONING HISTORY

The property has been zoned R-75 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

### PROJECT ANALYSIS

The 4.1-acre project site is located on the north side of Tilson Road, approximately 853 feet west of Mark Trail at 2080 Tilson Road in Decatur, Georgia. The subject property is undeveloped with an abundance of mature vegetation.

The property is located approximately 225 feet from a Town Center (TC) character area to the south across Tilson Road which calls for a high density mix of residential, commercial, and office uses. Furthermore, Tilson Road is designated as a Collector Road and is also used as a MARTA bus route. There are RSM zoned properties to the southwest across Tilson Road (see zoning map) as well as further to the east of the subject property. There are also two churches along the north side of this stretch of Tilson Road; one is located to the west at the intersection of 2<sup>nd</sup> Avenue and Tilson Road (Gresham First Baptist Church) and the other is located adjacent to the eastern property line of the subject property (Greater White Rock Baptist Church). Given the Collector and public transit status of Tilson Road, the proximity to a TC character area and institutional uses, and RSM zoned properties in the area, it appears that higher residential densities are appropriate along Tilson Road as a transition from the TC character area to the south and the lower density single-family subdivisions within a Suburban Character area to the north.

The proposed site plan is for 20 single-family homes, with two lots dedicated to detention and open space at a proposed density of 4.76 units per acre. To achieve a 20% density bonus of .76 units above 4 units per acre, the applicant is proposing to construct a bus shelter along Tilson Road. The applicant has indicated that they will provide documentation that MARTA has approved the location of the bus station as soon as they receive confirmation. The proposed single-family subdivision will be accessed via one new public right-of-way off of Tilson Road. The proposed layout includes a "double cul de sac". Sidewalks and street trees are proposed along both sides of the proposed street. All proposed lots will contain a minimum of 5,000 square feet and a minimum of 50 feet of lot width as required by the Zoning Ordinance. Based on the submitted site plan, however, the proposed double cul-de-sac layout may not be in compliance with Transportation design requirements. Based on the revised plan submitted, it appears that there is compliance with zoning ordinance requirements for perimeter lots to be at least 80% as wide and as large as the abutting subdivision lots. Given these issues, RSM zoning and higher residential densities appear to be appropriate for the project site.

## **LAND USE AND ZONING ANALYSIS**

**Section 7.3.4 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

**A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

Based on the submitted information, it appears that the zoning proposal is in conformity with the following Suburban (SUB) Comprehensive Plan policies: 1) Protect stable neighborhoods from incompatible development that could alter established single-family development patterns and density (SUB Policy #1).

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

Based on the submitted information, as well as field investigation of the project site, it appears that the proposed RSM district is suitable with adjacent and surrounding properties. Given the Collector and public transit status of Tilson Road, and the proximity to a TC character area and institutional uses, it appears that higher residential densities are appropriate along Tilson Road as a transition from the TC character area to the

south and the lower density single-family subdivisions within a Suburban Character area to the north. Based on the submitted site plan, however, the proposed double cul-de-sac layout may not be in compliance with Transportation design requirements. Additionally, for the lots along the northern property line, the site plan does not indicate if those lots comply with the zoning ordinance perimeter compatibility requirements to be at least 80% as wide and as large as the abutting subdivision lots. Given these issues, RSM zoning and higher residential densities may be appropriate for the project site, but it does not appear that the proposed site plan demonstrates compatibility with surrounding properties. Therefore, approval cannot be based on the submitted site plan.

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

It appears that the property may have a reasonable economic use as currently zoned R-75 which allows single-family residential development.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

Given the Collector and public transit status of Tilson Road, and the proximity to a TC character area and institutional uses, it appears that higher residential densities are appropriate along Tilson Road as a transition from the TC character area to the south and the lower density single-family subdivisions within a Suburban Character area to the north. Based on the submitted site plan, however, the proposed double cul-de-sac layout may not be in compliance with Transportation design requirements. Given these issues, RSM zoning and higher residential densities may be appropriate for the project site, but it does not appear that the proposed site plan demonstrates compatibility with surrounding properties. Therefore, approval cannot be based on the submitted site plan.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

There do not appear to be other existing or changing conditions affecting the use and development of the property which give supporting grounds for approval or disapproval.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

Based on the submitted information, there are no historic buildings, site, districts, or archaeological resources on the subject property.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

There has been no indication from reviewing departments and agencies that the proposal could cause excessive use of existing streets, transportation facilities, utilities, or schools. The applicant will need to obtain a sewer capacity letter from the Department of Watershed Management to verify if sewer capacity is adequate.

**COMPLIANCE WITH RSM (SMALL LOT RESIDENTIAL MIX) DISTRICT STANDARDS PER ARTICLE 27-TABLE 2.2**

STANDARD	REQUIRED	EXISTING/PROVIDED	COMPLIANCE
LOT WIDTH Sec.27-186(a)	50 ft	50 feet	Yes
LOT AREA Sec.27-186(b)	5,000 s.f. per lot	5,000 s.f.	Yes
FRONT SETBACK Sec.27-186(c)(4)	20 Feet	15 Feet	No <i>(will need to revise plan to comply or obtain variance from BZA)</i>
PERIMETER LOT COMPATIBILITY	Lots along North property line must be at least 80% as wide and large as abutting lots	Perimeter Lots appear to comply at 81 feet wide	Yes
INTERIOR SIDE YARD SETBACK Sec.27-186(d)	3 ft with 10 ft between buildings	3 ft with 10 ft between buildings	Yes  Yes
REAR SETBACK Sec.27-186(e)	20 Feet	20 Feet	Yes
TRANS. BUFFERS	20 ft	20 ft	Yes
BUILDING HEIGHT Sec.27-187	35 ft	35 ft	Yes
OPEN SPACE	None required since less than 5 acres and 36 units	10,000 sf (approx.) on 2 lots	Yes
MAX LOT COVERAGE	50%	50%	Yes
MIN UNIT SIZE	1,200 sf	1,200 sf	Yes
PARKING Sec. 27-150 (e)	2 spaces per lot	Not Shown	Undetermined

**Staff Recommendation (Revised 1/11/19): APPROVE WITH CONDITIONS**

Given the subject site's proximity to a Town Center (TC) character area to the south calling for a high density mix of land uses, other institutional land uses in the area (Greater White Rock Baptist Church and Gresham First Baptist Church), other RSM- zoned properties to the south and east, and the site's access to a collector street (Tilson Road) which also serves public transit (MARTA bus route), it appears that higher residential densities are appropriate along Tilson Road as a transition from the TC character area to the south and the lower density single-family subdivisions to the north. The applicant has submitted a revised plan dated 10/18/18 which clarifies compliance with zoning ordinance requirements for perimeter lots to be at least 80% as wide and as large as the abutting subdivision lots. The applicant has also submitted additional conceptual elevations to address compatibility with the surrounding area. Therefore, it appears that RSM zoning on the subject site is suitable with adjacent and surrounding properties. However, the site plan's street layout of two cul-de-sacs located close together may not be in compliance with Transportation design requirements. Therefore, approval cannot be based on the submitted site plan. However, it is the recommendation of the Planning Department that the application be "Approved Conditionally", subject to Staff's recommended conditions below. Staff has added Condition #9 to further enhance compatibility with surrounding properties.

1. Site shall be zoned RSM to develop up to a maximum of 20 single-family homes, provided condition #2 is satisfied. Otherwise, density capped at 4 **d.u.** per acre.
2. Written verification from MARTA that the location and design of the proposed bus shelter is approved. Proposed bus shelter facility shall include at a minimum a shelter structure, bench and paved access and be designed according to MARTA or GRTA standards, based upon ridership thresholds and as documented as acceptable by either agency.
3. Show compliance with Sec. 5.2.3 of the Zoning Ordinance (Perimeter Lot Compatibility with existing subdivisions) for the proposed lots along the north property line which abut existing single-family residential lots.
4. Show compliance with Table 5.1 regarding 10-foot landscape strip and 6-foot-wide sidewalk as well as street trees spaced 40 feet apart along Tilson Road subject to approval by the County Arborist.
5. Show a pedestrian path connecting public sidewalk to green space/open space.
6. Provide documentation of mandatory Homeowners Association to maintain common open space.
7. Compliance with Article 5 regarding provision of architectural variability of facades, façade offsets, garage widths and setbacks, and porch/stoop dimensions.
8. Complete plat approval process for subdivision of property.
9. The homes on lots #18, #19, and #20 with frontage on Tilson Road shall have front facades that face Tilson Road and shall not have driveways from Tilson Road.

**Attachments:**

1. Departmental Comments
  - a. Land Development Division
  - b. Traffic Engineering Division
  - c. Watershed Management
  - d. Board of Health
2. Application
3. Site Plan
4. Zoning Map
5. Aerial Photograph
6. Location Photographs

**NEXT STEPS: Following an approval of this action, one or several of the following approvals or permits may be required:**

- **Land Disturbance Permit** (Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)
- ✓ **Building Permit** (New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)
- ✓ **Certificate of Occupancy** (Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)
- **Plat Approval** (Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)
- **Sketch Plat Approval** (Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)
- **Historic Preservation Certificate of Appropriateness** (Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)
- **Variance or Special Exception** (Required to seek relief from any development standards of the Zoning Ordinance A public hearing and action by the Board of Appeals are required for most variances.)
- **Major Modification** (Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)
- **Business License** (Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).
- ✓ **Alcohol License** (Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)

**Each of the approvals and permits listed above require submittal**

12/21/2018

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

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12/21/2018

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N.1

Z-19-1235286 2018-3060 18-230-06-060

2405 HENDERSON MILL RD, ATLANTA, GA 30345

Amendment

- Please review general comments.

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N.2

CZ-19-1235306 2018-3061 15-146-04-018

2184 CAVANAUGH AVE, ATLANTA, GA 30316

Amendment

- Please review general comments.

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N.3

SLUP-19-1235300 2018-3062 15-141-02-063

2088 BRANNEN RD, ATLANTA, GA 30316

Amendment

- Please review general comments.

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N.4

Z-19-1235308 2018-3063 16-154-04-008

2478 ROCK CHAPEL RD, LITHONIA, GA 30058

Amendment

- Please review general comments.

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12/21/2018

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N.5

SLUP-19-1242980 2018-3064 16-154-04-008

2478 ROCK CHAPEL RD, LITHONIA, GA 30058

Amendment

- Please review general comments.

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N.6

SLUP-19-1235296 2018-3065 16-035-01-033

5393 ROCKMOOR DR, STN MTN, GA 30088

Amendment

- Please review general comments.

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N.7

Z-19-1235291 2018-3066 15-140-04-011

Z-19-1235291 2018-3066 JREID Commission District 03 Super District 06

Amendment

- Please review general comments.

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N.8

Z-19-1235311 2018-3067 15-040-01-003; 15-057-01-012

3012 RIVER RD, DECATUR, GA 30034

Amendment

- Please review general comments.

DeKalb County Board of Health

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12/21/2018

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N.9

CZ-19-1235305 2018-3068 15-140-03-018; 15-140-03-020

2128 & 2170 COOK RD, DECATUR, GA 30032

Amendment

- Please review general comments.

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N.10

Z-19-1235304 2018-306918-026-06-016

7189 ROCKBRIDGE RD, STN MTN 30087

Amendment

- Septic installed 11/27/2011: Car Care and paint and Collision. Please review general comments.

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N.11

SLUP-19-1235307 2018-3070 18-154-05-016

1438 SHERIDAN RD, ATLANTA, GA 30324

Amendment

- Please review general comments.

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N.12

SLUP-19-1235312 2018-3071 15-033-01-071

3903 SNAPPINGER RD, LITHONIA, GA 30038

Amendment

- Please review general comments.

# DeKalb County Board of Health

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12/21/2018

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N.13

SLUP-19-1235315 2018-3072 15-040-05-018

3004 KENVILLE LN, DECATUR, GA 30034

Amendment

- Please see general comments.

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N.14

SLUP-19-1235320 2018-3073 MLFURMAN Commission 03 Super District: 07  
15-151-05-017

2076 CANDLER RD, DECATUR, GA 30032

Amendment

- Please review general comments.

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N.15

Z-19-1235327 2018-3074 04 15-219-01-007; 15-219-01-008; 15-219-01-009;  
15-219-01-010; 15-219-01-011

3756 COVINGTON HWY, DECATUR, GA 30032

Amendment

- Septic installed on 08/25/1983. Review general comments.

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N.16

Z-19-1242964 2018-3075 16-197-03-015

1746 PLEASANT HILL TRL, LITHONIA, GA 30058

Amendment

- Please review general comments.

## Zoning Comments (Jan 2019)

N1. No comment.

N2. Engineer must verify sight distance when placing driveways.

N3. No Comment.

N4 & N5. Rock Chapel Road is State Road 124. GDOT review and approval required prior to issuing any permits. GDOT Contact: Justin Hatch at [juhatch@dot.ga.gov](mailto:juhatch@dot.ga.gov) Minor Arterial. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. No acceleration lane. Prefer deceleration lane. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. 6 foot sidewalk. Street lights required.

N6. No Comment.

N7. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Tilson Road is classified as a collector street. Right of way dedication of 35 feet from centerline, 6 foot sidewalks, street lights, bike lanes required. Verify driveway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N8. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. River Road is classified as a minor arterial. Right of way dedication of 35 feet from centerline, 6 foot sidewalks, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required.

N9. Cook Road is within the GDOT I-20 Right of Way. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at [juhatch@dot.ga.gov](mailto:juhatch@dot.ga.gov) . Construct sidewalks up to Flat Shoals Road within the existing right of way.

N10. No comment.

N11. No comment.

N12. No comment.

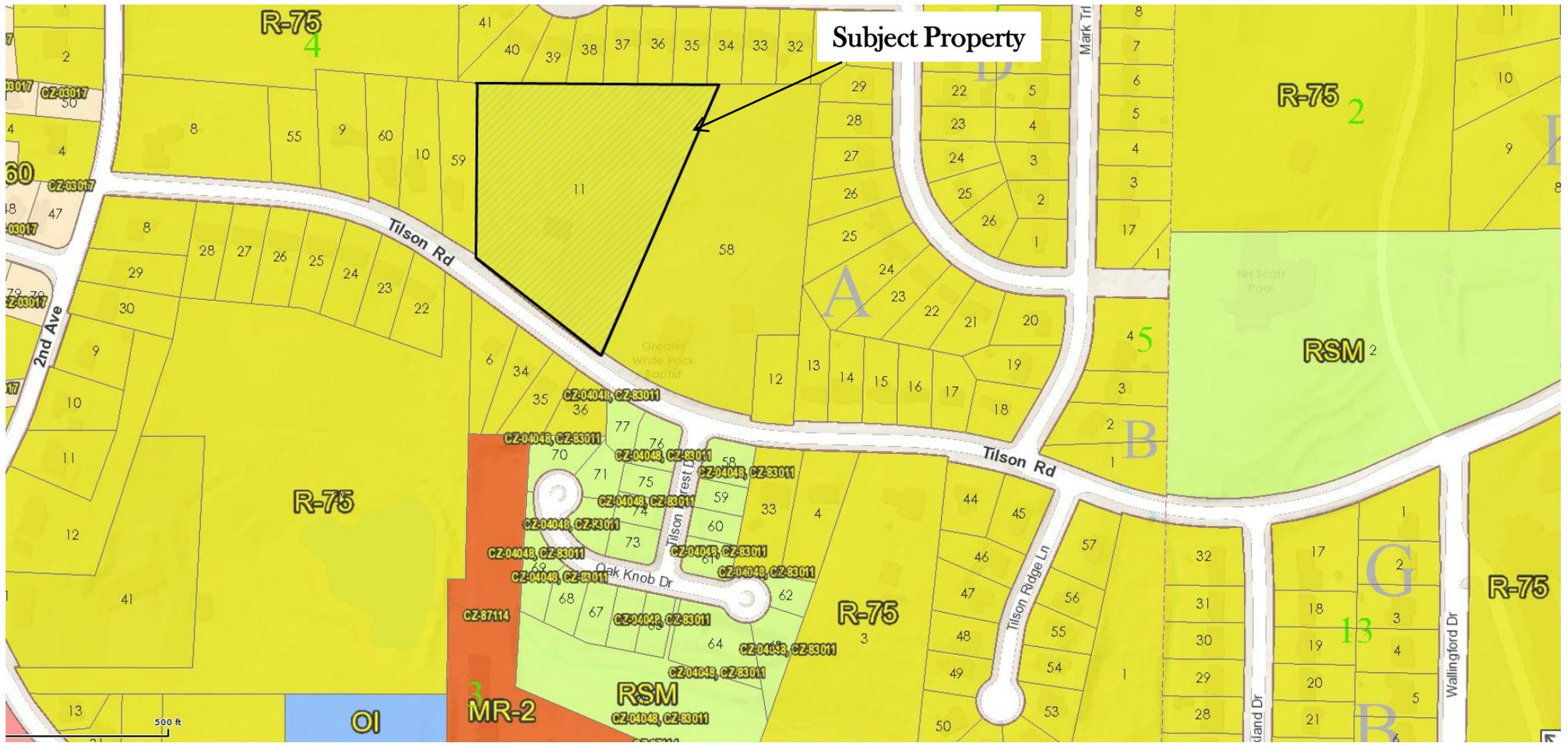
N13. No comment.

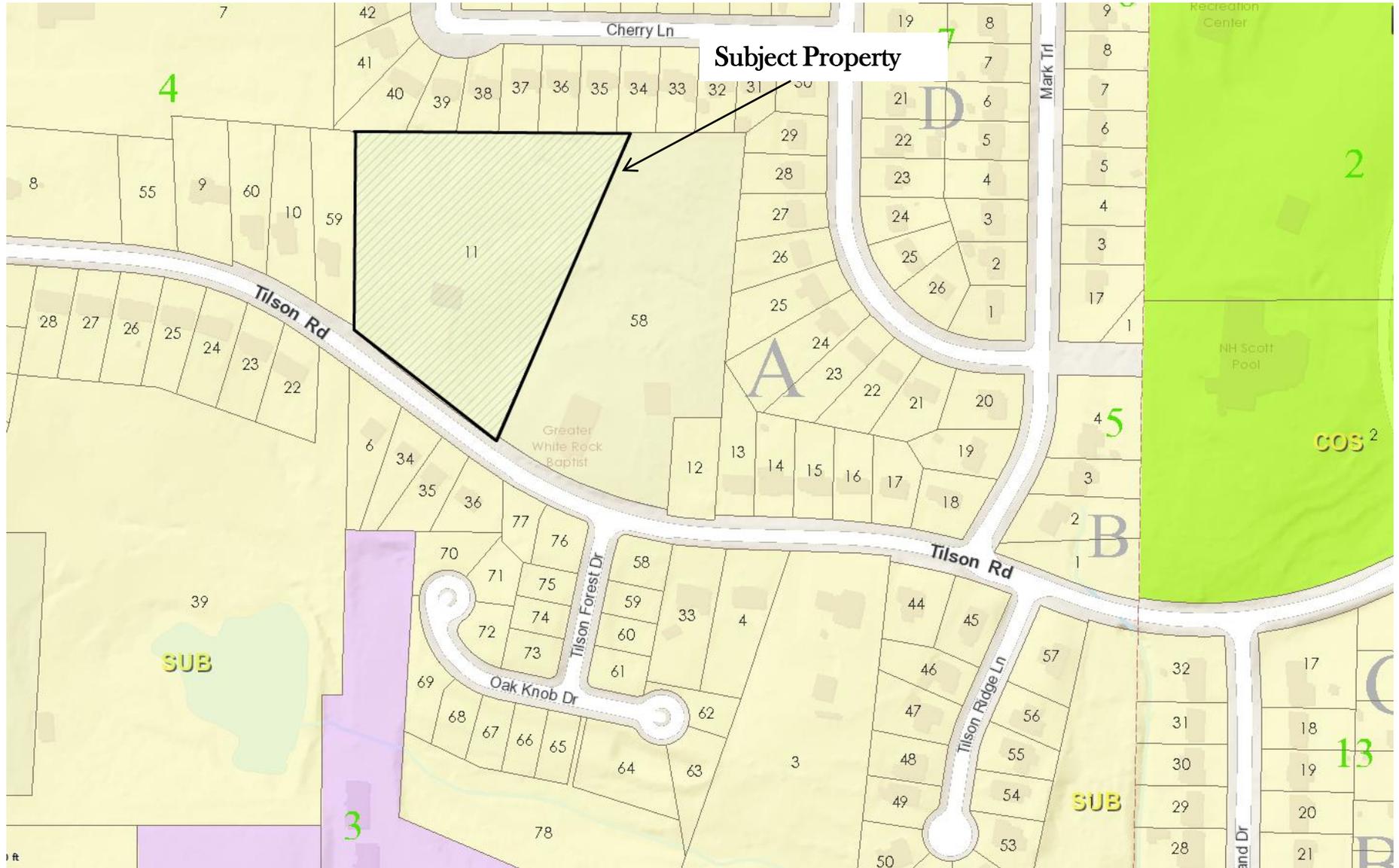
N14. Candler Road is State Route 155. GDOT review and approval required prior to permitting. GDOT Contact: Justin Hatch at [juhatch@dot.ga.gov](mailto:juhatch@dot.ga.gov) GDOT review and approval for access is required prior to issuing any permits.

N15. Covington Hwy is a State Route. GDOT review and approval for access is required prior to issuing any permits. GDOT Contact: Justin Hatch at [juhatch@dot.ga.gov](mailto:juhatch@dot.ga.gov) . Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Covington Hwy is classified as a major arterial. Right of way dedication of 50 feet from centerline, 6 foot sidewalks,

10 foot landscape strip, street lights, bike lanes required. Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. Porter Road is classified as a local street. Bring frontage of Porter up to local street standards, including right of way dedication, as needed, sidewalks and streetlights.

N16. Refer to Section 14-190 of the Land Development Code and Chapter 5.4.3 of the Zoning Code for infrastructure requirements. Pleasant Hill Trail is classified as a local road. Right of way of 27.5 feet from centerline, six foot landscape strip, 5 foot sidewalks, street lights requires. Pleasant Hill Road is classified as a minor arterial. Right of way 40 from centerline, 10 foot landscape strip, 6 foot sidewalks, street lights required. Right of way Verify driveway/roadway placement to ensure required sight distance requirements are met based on the speed limit and curvature of roadway. Interior streets to be local- 55 foot right of way, five foot landscape strip, 5 foot sidewalk, street lights required. All public road right of ways must be brought up to current standards.







# Conceptual Elevations



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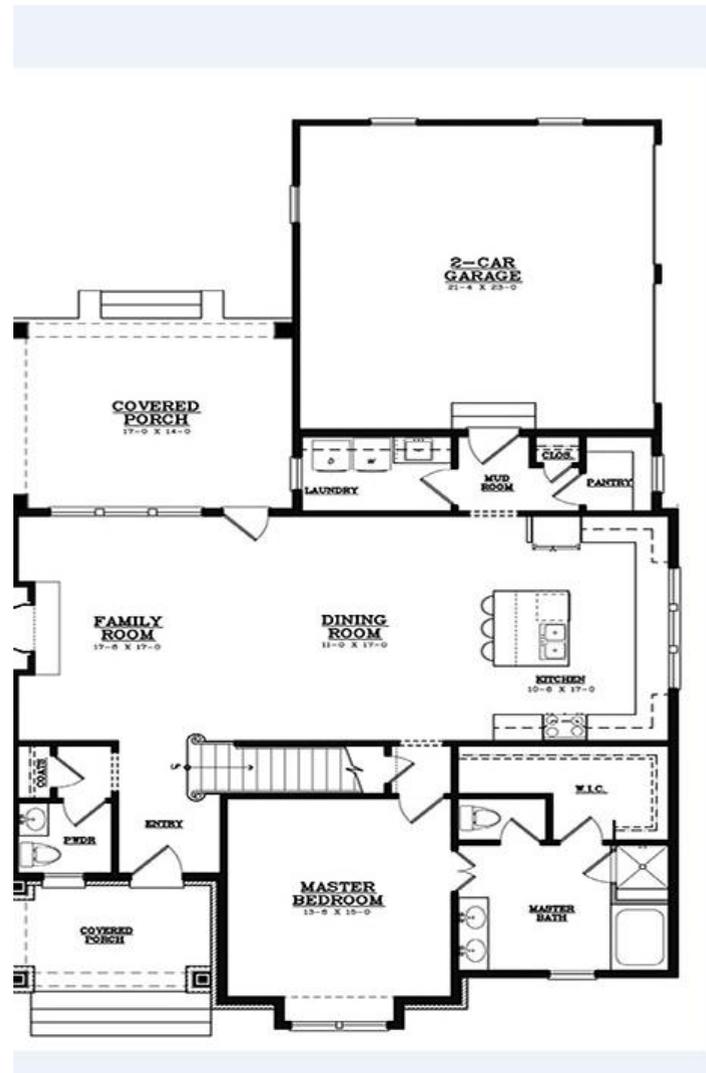
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