

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

2.7.2020

Recommended Conditions

Z-19-1243522

1. Subject Property shall be developed with no more than 61 attached single-family townhomes.
2. Five-foot sidewalks shall be installed on both sides of the driveway aisle internally, and five-foot sidewalks and a five-foot landscape strip shall be installed along the 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 brick, stacked stone, or masonry stucco on a minimum of 50% of the front façade and 100% on the sides in general conformity with the elevations submitted to the Planning and Sustainability Department on January 16, 2020. The use of vinyl siding is strictly prohibited.
5. Rental units shall be limited to 35%, subject to hardship waivers approved by the mandatory homeowners association.
6. There shall be a mandatory homeowners association for this development in compliance with state law and the Code of DeKalb County.
7. 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 a bus shelter shall be installed as shown, subject to the approval of the DeKalb County Transportation Department, and the Board of Commissioners regarding any portion of the ROW that needs to be abandoned.
8. A 6ft privacy fence shall be provided along the boundary of the Woodland Townhome Community.



DeKalb County Department of Planning & Sustainability

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Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: January 07, 2020, 6:30 P.M

Board of Commissioners Hearing Date: January 28, 2020, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1243522 **Agenda #:** D.1

Location/Address: 3792 Harvest Drive **Commission District:** 03 **Super District:** 07

Parcel ID: 15-060-01-191

Request: To rezone property from R-100 (Residential Medium Lot 100) District to RSM (Small Lot Residential Mix) District to allow the development of 61 single family attached townhomes.

Property Owner/Agent: Phoenix City Holdings, LLC.

Applicant/Agent: Phoenix City Holdings, LLC c/o Battle Law P.C.

Acreage: 10.265

Existing Land Use: Wooded Lot

Surrounding Properties/ Adjacent Zoning: North of the site is zoned MU-1 (Mixed Use Low Density) District with single family detached homes and MR-1 (Medium Density Residential-1) District with multifamily apartment units. The properties south, east and west of the site are zoned R-100 (Residential Medium Lot-100). Properties to the south and west contain single family attached townhomes and single family detached homes. The property east of the subject site contains multifamily apartment units.

Comprehensive Plan: Suburban (SUB) Consistent Inconsistent

Proposed Density: 5.94 units per acre	Existing Density: N/A
Proposed Square Ft.: N/A	Existing Units/Square Feet: N/A
Proposed Lot Coverage: N/A	Existing Lot Coverage: N/A

SUBJECT PROPERTY

The subject site contains 10.265 acres of heavily wooded undeveloped land with just under 100 feet of frontage along Harvest Drive. The site is surrounded by a mixture of residential developments. Single family attached townhomes borders the western and southern boundary lines and single family detached homes borders the western and northern boundary lines. Multi-family apartments border the northeastern and east boundary lines.

ZONING HISTORY

The site is currently zoned R-100 (Residential Medium Lot-10) District.

ZONING ANALYSIS

The site is currently zoned R-100 (Residential Medium Lot-10) District. The subject application requests an amendment to the Official Zoning Map pursuant to Chapter 27, Article 7.3 of the DeKalb Code of Ordinances to rezone the entire 10.265-acre site to the RSM (Small Lot Residential Mix) District to allow for the development of 61 single family attached townhomes. The surrounding zoning west, south and east of the property is R-100 (Residential Medium Lot-100) District. Typically, R-100 permits only single-family detached homes. However due to a court order, single family attached townhomes borders the western and southern subject property and multi-family apartments borders east of the subject property. The zoning north of the subject property is split with MU-1 (Mixed Use Low Density) District which contains single-family detached homes and MR-1 (Medium Density Residential-1) District which contains multi-family apartments. The proposed rezoning to RSM (Small Lot Residential Mix) District would be compatible with the surrounding zoning and residential land uses.

The proposed rezoning to RSM (Small Lot Residential Mix) District is appropriate for this site given its consistency with the 2035 Comprehensive Land Use Plan which designates this within the Suburban (SUB) Character Area. The intent of the Suburban (SUB) Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. The future land use for the surrounding properties to the west, south and east are all designated Suburban (SUB) Character Area. The future land use for the property north of the subject site is the Neighborhood Center (NC) Character Area. The proposed rezoning to RSM (Small Lot Residential Mix) District would be compatible with the future land use for both Suburban (SUB) and Neighborhood Center (NC) Character Area.

PROJECT ANALYSIS

The applicant requests to rezone the property from R-100 (Residential Medium Lot 100) District to RSM (Small Lot Residential Mix) District to allow the development of 61 single family attached townhomes at a density of 5.94 units per acre. The submitted site plan and renderings depicts two-story front-loaded townhomes with one and two car garages. The site plan shows a private road from Harvest Drive with open space, detention pond and a pavilion. The proposed lot size(s) will be a minimum of 25 ft in width. This will be consistent with the abutting lot sizes along the southern and western property lines which contain single family attached townhomes that varies from 22 ft to 25 ft in width. The applicant is proposing to achieve the 50% density bonus by providing 34.3% of the total site with open space by including trails, pocket parks, green space, and a pavilion.

Impact Analysis

Section 27-7.3.4 of the DeKalb County Code states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.

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

The 2035 Comprehensive Plan designates the subject site within the Suburban (SUB) Character Area. The intent of the Suburban (SUB) Character Area is to recognize those areas of the county that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. The proposed rezoning and development are compatible with the policy and intent of the 2035 Comprehensive Plan.

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

The proposed rezoning to the RSM (Small Lot Residential Mix) District to permit for the development of 61 single family attached townhomes at a proposed density of 5.4 units per acres is suitable given the adjacent Woodlands Townhome Community and surrounding mix of residential uses.

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

The site as currently zoned R-100 would be challenging in developing the minimum lots for single-family homes given the topography and lot configuration of the site. The current wooded lot does not provide a reasonable economic use as currently zoned.

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

The rezoning request to the RSM (Small Lot Residential Mix) District should not adversely affect the use or usability of adjacent and/or nearby residential properties along Harvest Drive.

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:

The fact that there are single family attached townhomes adjacent to this property, provide supporting grounds for approval of the zoning request.

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

The proposed rezoning will not adversely affect historic buildings, sites, districts or archaeological resources.

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:

The zoning proposal to the RSM District to develop 61 townhomes would slightly increase traffic along Harvest Drive however the Department of Public Works Traffic Engineering found nothing that would disrupt traffic flow. The DeKalb County School District stated that this development would add 29 students to the following schools:

9 at Bob Mathis Elementary School, 4 at Chapel Hill Middle School, 8 at Southwest DeKalb High School and 8 at other DeKalb County School District schools. All three neighborhood schools have capacity for additional students.

The Land Development Division of the Department of Planning and Sustainability requires off street paved parking to ensure safe vehicle circulation.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The rezoning proposal to the RSM district will not adversely impact the environment or surrounding natural resources.

COMPLIANCE WITH DISTRICT STANDARDS

Per the chart below, the proposed RSM (Residential Small Lot) single-family attached townhomes can comply with minimum development standards of the RSM (Residential Small Lot) District per Table 2.2 of the DeKalb County Zoning Ordinance.

RSM STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
MIN. LOT WIDTH	25 ft.	25 ft.	YES
MIN. LOT AREA	1,000 sq. ft.	1,000 sq. ft.	YES
FRONT SETBACK	Min 20 ft.	20 ft.	YES
INTERIOR LOT - SIDE	N/A	N/A	N/A
REAR	15 ft.	20 ft.	YES
DWELLING UNITS PER ACRE	4 – 8	5.94 (Bonus Density)	YES
MAX. LOT COVERAGE	70%	Not labeled on submitted site plan	NO
HEIGHT	3 STORIES OR 45 FEET	2 STORIES	YES
MIN. PARKING Article 6	Minimum 1.75 parking spaces	Not labeled on submitted site plan	NO
OPEN SPACE	Minimum 20% if site is > 5 acres. Site is 10.265 acres	34.3%	YES
Linear Feet of Sidewalk	5-foot wide	None depicted on site plan	NO

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

The proposed request to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to construct 61 single family attached townhomes at a proposed density of 5.94 units per acre is compatible with the surrounding and adjacent properties and complies with the RSM district standards. The request to allow for the development of 61 single family 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 Planning and Sustainability Department that the rezoning from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District be APPROVED along with staff's recommendation conditions.

1. Subject Property shall be developed with no more than 61 attached single-family townhomes.
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8. A 6ft privacy fence shall be provided along the boundary of the Woodland Townhome Community.

Attachments

1. Department Comments
2. Division Comments
3. Application
4. Site Plan
5. Zoning Map
6. Land Use Map
7. Site Photos