


Comm. 376
Item No. 2018-1133 Date: 5/22-18
Clark's Office
Comm. Kathie Gannon

2018 -1856/CZ-18-22135
Revised Conditions
Parcel 15-179-11-001
May 22, 2018

The zoning conditions approved in November 2005 for rezoning application CZ-05-79 and LP-05-41 shall remain in effect except for the following modifications to Conditions #6 and #7:

Condition # 6: There shall be a mandatory homeowners association to own and control all common areas and to establish the percentage of units that may be rented.

Condition #7 shall be removed.

Kathie Gannon: 

Date 5/22/18

Larry Johnson _____

Date _____



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: May 01, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: May 22, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: 2018-1856/ CZ-18-22135 **Agenda #:** N.4

Location/Address: The south side of Memorial Drive, east of the intersection of Memorial Drive and South Howard Street at 2029 Memorial Drive, Atlanta, Georgia. **Commission District:** 3 **Super District:** 6

Parcel ID: 15-179-11-001

Request: To request a Major Modification to approved conditions of zoning for townhouse, condominiums or row homes pursuant to CZ-05-79 in an MR-2 (Medium Density-Residential-2) District, to decrease the percentage of required workforce housing units within the development from 25% to 15% and to delete the restriction that no more than ten (10%) percent of the units may be rented at any given time.

Property Owners: Sinocoin RE, LLC

Applicant/Agent: Sinocoin RE, LLC/ The Galloway Law Group, LLC

Acreage: 5.3 Acres

Existing Land Use: Under construction for townhouse development

Surrounding Properties: Single-Family detached & attached residences
 The Element at Kirkwood Apartments
 Stanton Grove Missionary Church & Shy Temple Christian Methodist Church

Adjacent & Surrounding Zoning: North & East: Residential (City of Atlanta)
 East: MR-2 (Medium Density-Residential-2) District
 West & South: R-75 (Residential Medium Lot) District

Comprehensive Plan: Neighborhood Center Consistent X

Proposed Units: 75	Existing : Townhomes Under Construction
Proposed Lot Coverage: < 85%	Existing Lot Coverage: N/A

SUBJECT SITE & ZONING HISTORY

The subject site is 2029 Memorial Drive. Consisting of approximately 5.3 acres, it is located east of South Howard Street. Zoned MR-2 (Medium Density-Residential-2) District pursuant to CZ-05-79, the site is currently under development pursuant to the following conditions:

1. The development shall consist of no more than seventy-five units.
2. The development may consist of the following: loft condominiums, townhouses, or row homes, which have facades that look like the townhomes but contain individual condominium units. The loft condominium building shall be no higher than four stories and shall be oriented to the street with parking underground and to the rear. The rezoning of the development will not be specific to a site plan.
3. At least twenty-five-five percent (25%) of the residences shall be marked as work force housing. Workforce housing is defined as a home that is affordable to households whose gross income is between 102% and 120% of the county's medium income or less. The sale price of the home shall follow the HUD formula of three (3) times gross income. For example, the median income of DeKalb County according to the 1999 census was \$49,117. A work force household would earn between 102% and 120% of \$49,000 or less, which is between \$50,099 and \$58,940. An affordable home for this household would cost between \$150,297 and \$176,821.
4. The work force housing shall contain a mixture of one-and two-bedroom units.
5. There shall be no vinyl or aluminum siding used within the development. All exteriors shall be brick, stucco, stone or other masonry, "Hardi-Plank" clapboards, cedar shake or shingles, or some combination of these materials. The design of the front facades shall vary such that two adjacent homes will not be the same.
6. There shall be a mandatory homeowners' association to own and control all common areas.
7. The covenants for the Property shall prohibit more than ten percent of the lot owners from being rental units at any given time. A lot may be rented only in the event of an emergency and no individual lot or house may be rented for more than twelve (12) months during any thirty-six (36) month period.
8. The Owner of each workforce housing residence must certify that they will reside in their workforce housing unit as their primary residence during the first twelve (12) months from the time of the initial sale of housing units, unless the Owner can demonstrate that their unit is eligible to be rental property under other provisions in these conditions.
9. All utilities shall be underground.
10. The Developer shall install sidewalks and streetlights within the development.
11. The Development shall contain at least fifty (50) percent open space with walking trails.
12. The Developer shall make available a sewer connection at the western side of the property so that the Stanton Grove Missionary Baptist Church may connect to the sewer system at a later date. The Developer shall not be required to pay any of the costs associated with connecting the Stanton Grove Missionary Baptists Church to the sewer system.

MODIFICATION REQUESTS

Pursuant to the submitted letter of application, a modification is requested to amend the approved conditions as follows:

Proposed Revised Condition 3

3. At least ~~twenty five percent (25%)~~ fifteen percent (15%) of the residences shall be marked as work force housing. Work force housing is defined as a home that is affordable to households whose gross income is between 102% and 120% of the county's medium income or less. The sale price of the home shall follow the HUD formula of three (3) times gross income. For example, the median income of DeKalb County according to the 1999 census was \$49,117. A workforce household would earn between 102% and 120% of \$49,000 or less, which is between \$50,099 and \$58,940. An affordable home for this household would cost between \$150,297 and \$176,821.

The applicant requests to change the percentage of reserved workforce housing units from 25% to 15%. Documentation submitted with the application states that the medium income for DeKalb County has risen since the condition was approved and that more families should be able to afford to live in the area.

STAFF ANALYSIS

The fact of medium income rising does not necessarily impact the percentage of workforce housing units needed within the proposed development. In fact, since the approval of this rezoning case in November of 2005, the County defines workforce housing at a lower percentage of income (80%) than required by the condition in 2005 (120%).

Sec. 9.1.3

Workforce housing: For-sale housing that is affordable to those households earning (80) percent of the median household income for the Atlanta Metropolitan Statistical Area (MSA) as determined by the current fiscal year HUD income limit table at the time the building is built.

This standard gives clear direction for determining affordability. Further, the will of the Legislative Body regarding the original zoning granted much higher density based upon several factors at the time, including the public good of providing more choices of housing affordability as a positive offset to the impact of more units on the site.

Delete Condition 7

7. ~~The covenants for the Property shall prohibit more than ten percent of the lot owners from being rental units at any given time. A lot may be rented only in the event of an emergency and no individual lot or house may be rented for more than twelve (12) months during any thirty six (36) month period. (Deleted per CZ-18-22135)~~

The applicant states in the letter of intent that since this property was rezoned, market conditions have changed which necessitates variety in housing options. The removal of this condition will not alter the intent of the rezoning conditions, both in design and unit types. Therefore, the applicant requests that the condition should be deleted.