

# Agenda Item

**File ID: 2018-2502**

**Substitute**

**1/8/2019**

**Public Hearing: YES  NO**

**Department: Planning & Sustainability**

**SUBJECT:**

**COMMISSION DISTRICT(S): 2 & 6**

Application of the Director of Planning & Sustainability for a Major Modification to zoning conditions to amend the site plan of a condominium subdivision to relocate one building and allow full access on Stephens Drive. The property is located on the southeast intersection of Briarcliff Road and Stephens Road.

**PETITION NO: CZ-18-1235133**

**PROPOSED USE: 19-unit townhouse development**

**LOCATION: Briarcliff Road/Stephens Drive intersection**

**PARCEL NO.:** 18 106 10 017, 18 106 10 045, 18 106 10 046, 18 106 10 047, 18 106 10 048, 18 106 10 049, 18 106 10 050, 18 106 10 051, 18 106 10 052, 18 106 10 053, 18 106 10 054, 18 106 10 055, 18 106 10 056, 18 106 10 057, 18 106 10 058, 18 106 10 059, 18 106 10 060, 18 106 10 061, 18 106 10 062, 18 106 10 063

**INFORMATION CONTACT: Marian Eisenberg**

**PHONE NUMBER: 404-371-4922**

**PURPOSE:**

Application of the Director of Planning & Sustainability for a Major Modification to zoning conditions to amend the site plan of a condominium subdivision. The property is located on the southeast intersection of Briarcliff Road and Stephens Road at 1096, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, and 1116 Briar Cove Circle and 1361 Stephens Drive in Atlanta, Georgia. The property has approximately 300 feet of frontage along Briarcliff Road and 202 feet of frontage along Stephens Road and contains 2.38 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL: Denial.**

**PLANNING COMMISSION: No Recommendation due to failure to pass motion**

**PLANNING STAFF: Approval, of the substitute conditions**

**STAFF RECOMMENDATION: The requested modifications would not change the development to the extent that it would become inconsistent with the policies of the Comprehensive Plan. The**

modifications would relocate a unit from the front row of buildings to the back row. The move will require a variance to the 20-foot buffer. The staff also recommends full access on Stephens Road since exit on Briarcliff Road is not possible. The requested modifications would not change the number of residential units. Therefore, the Department of Planning and Sustainability recommends “Approval” of the requested modifications, subject to the approval of the variance to be heard by the BZA.

**PLANNING COMMISSION VOTE: No recommendation. 1st MOTION:** was made by J. Johnson moved, A. Atkins seconded for a full cycle deferral. That motion failed 4-4-0. **2nd MOTION:** was made by Paul Womack Jr., seconded by April Atkins, that this agenda item be approved with conditions per staff recommendation. That motion failed 2-6-0

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial, 5-0-0.** The community council board thought that the zoning proposal was not suitable.

## **RECOMMED CONDITIONS**

**CZ-18-1235133**

### **A Major Modification to Zoning Conditions to amend the site plan of a townhome subdivision.**

1. Subject to approval from the Development Department, the Subject Property will be zoned R-A8 and developed substantially in accordance with the conceptual site plan dated February 6, 2006, (the "Site Plan") depicting amended Condition #2 regarding access and as otherwise in accordance with certain hand-written road improvements dated April 19, 2006 required by John Gurbal, Director of the DeKalb County Transportation Department and further recommendations by the Transportation Department.
2. The existing driveways will be consolidated and all vehicular access to the Subject Property shall be as designed and approved by the GDOT and DeKalb County Transportation Division. Such road improvement shall include a right-in only curb cut on Briarcliff Road with a raised median and a full access curb cut on Stephens Drive. No median is required on Stephens Drive.
3. The height of any buildings on the Subject Property shall be restricted to three stories.
4. Building 11, shall be removed from front row of units.
5. Underground utilities shall be utilized.
6. Any exterior lights shall be screened, shielded and/or shaded so as to minimize glare and the casting of light outside of the new development.
7. The front façade and sides of each building shall consist of brick, masonry stucco, stacked stone, shake, and/or other masonry products (excluding the architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or any other cantilevered areas.
8. Each townhome shall have a minimum of 2,000 square feet of heated floor space and a two car garage.
9. Provide at no cost to the County the necessary right of way for the widening of Stephens Drive, needed for future turn lane.

10. All open space, park space, landscaping, architectural controls and other common areas shall become the responsibility of mandatory Homeowners' Association established by the Developer for this community.



R3-2  
24'x24'

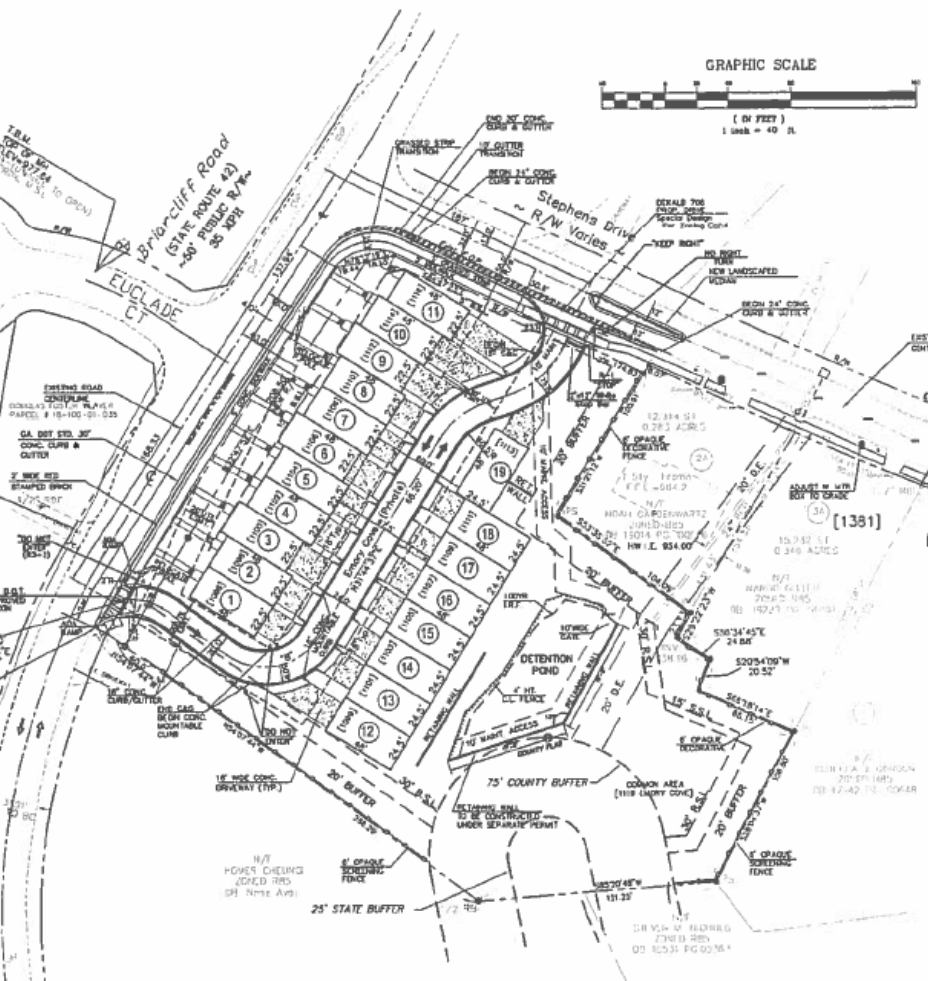
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E 2245459.2177

- LEGEND**
- EXISTING BUILDING
  - LAMP POLE
  - UTILITY POLE
  - SBH
  - SANITARY SEWER MANHOLE
  - ELECTRICAL MANHOLE
  - STORM MANHOLE
  - WATER METER
  - FIRE HYDRANT
  - WATER VALVE
  - DOUBLE WING CATCH BASIN
  - SINGLE WING CATCH BASIN
  - HEADWALL
  - IRON PIN FOUND
  - IRON PIN SET
  - IRON OR FURNACE
  - DEED BOOK
  - PLAT BOOK
  - PAVE
  - RIGHT OF WAY
  - BARBED WIRE FENCE
  - LAND LOT LINE
  - POINT OF BEGINNING
  - SEWAGE MAIN
  - BUILDING RETAIN WALL
  - COARSE CORRUGATED METAL PIPE
  - CORRUGATED METAL PIPE
  - REINFORCED CONCRETE PIPE
  - POLYETHYLENE GLASS REINFORCED CONCRETE PIPE
  - MANHOLE INLET
  - CLEAN OUT

- UTILITIES**
- SANITARY SEWER**
- PUBLIC SEWER PROVIDED BY DEKALB COUNTY.
- SEWER SERVICE**
- PUBLIC TRUNK SERVICE PROVIDED BY DEKALB COUNTY.
  - WATER SERVICE IS ADEQUATE FOR PROPOSED PROJECT.
  - DEKALB COUNTY WATER AND SEWER DEPARTMENT APPROVAL IS REQUIRED PRIOR TO ISSUANCE OF DEVELOPMENT PERMIT.
- IRE/MARSHAL NOISE**
1. TWO-HOUR SEPARATION/FIRE PROTECTION REQUIRED FOR ALL BUILDING STRUCTURES.



Know what's below. Call before you dig.

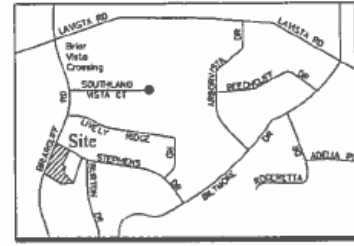


**Site Analysis**

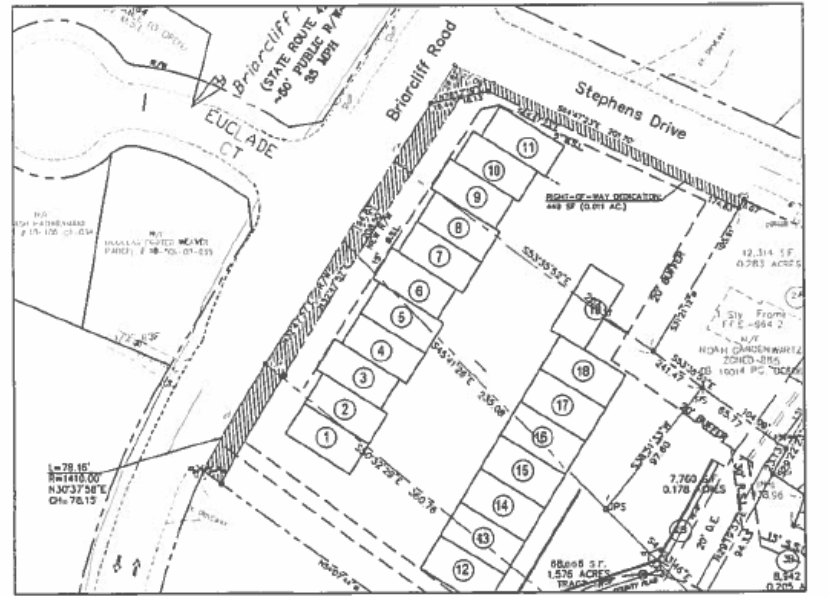
Total Lot Area: 2.38 +/- AC.  
Disturbed Area: 1.73 Ac.  
Proposed Use: Single Family Condos (Min. 2,000 SF.)

Setbacks	Distance
Front	5'
Side	15'
Rear	30'
Buffer	20' (transition)
Max. Bldg. Ht.	31'

Parking Req'd: 4/Unit Parking Shown: 4/Unit  
Parking spaces include: 2 Car Garages and 2 Driveway Spaces per Unit.



- OWNER & DEVELOPMENT NOTES:**
- PROPERTY ADDRESS: 2008 BRIARCLIFF ROAD ATLANTA, GA 30329
  - OWNER/DEVELOPER: ESTAN WARD, 825 OLIVARDE DRIVE ATLANTA, GA 30338 PHONE: (404) 574-0300
  - ENGINEER: PYRAMID EDC CONSULTANTS, INC. 4151 MEMORIAL DRIVE BUILDING A, SUITE 210A DEKALB, GA 30028 PHONE: (404) 297-0730
  - THE PROPERTY IS LOCATED WITHIN LAND LOT 106 OF THE 18TH DISTRICT, DEKALB COUNTY, GA.
  - THE PROPERTY IS 2.38 +/- ACRES AND IS ZONED R-42.
  - STEPHENS DRIVE RIGHT-OF-WAY DEDICATION 448 SF (0.01 AC.)



- GENERAL NOTES:**
- ALL SILT BARRIERS MUST BE PLACED AS ACCESS IS OBTAINED DURING GRADING OR DRAINAGE SHALL BE DONE FIRST. ALL BARRIER INSTALLATION AND DETENTION FACILITIES ARE CONSTRUCTED.
  - SILT BARRIERS TO BE PLACED AS SHOWN AND/OR DIRECTED BY PROJECT ENGINEER AND/OR CITY/COUNTY INSPECTOR.
  - NOTIFY WATER & SEWER INSPECTOR AT 404-308-3643 PRIOR TO START OF CONSTRUCTION.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING ALL EXISTING FEATURES SHOWN ON THESE PLANS PRIOR TO STARTING CONSTRUCTION.
  - ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND OPERATIONAL PRIOR TO GRADING.
  - ON SITE SIGNING AND STRIPING TO BE PROVIDED BY THE OWNER.
  - DEKALB COUNTY SANITATION DEPARTMENT IS NOT RESPONSIBLE FOR GARbage PICK UP ON PRIVATE STREETS.
  - ALL FILL AREAS MUST BE COMPACTED TO A MINIMUM 95% STANDARD PROCTOR.
  - EQUIPMENT AND MATERIALS SHALL BE STORED IN AREAS DESIGNATED BY THE OWNER. CONSTRUCTION AND STORAGE AREAS SHALL BE KEPT NEAT AND CLEAN AT ALL TIMES.
  - ALL CONSTRUCTION VEHICLES SHALL PARK IN AREAS DESIGNATED BY THE OWNER.
  - DIRT FOR FILL SHALL BE CLEAN, COHESIVE CLAY OR SANDY CLAY FREE OF DEBRIS, ORGANICS AND DELETERIOUS MATERIAL.
  - EROSION AND SILTATION CONTROL DEVICES MUST BE INSTALLED PRIOR TO START OF OTHER CONSTRUCTION AND MAINTAINED UNTIL PERMANENT EROSION COVER IS ESTABLISHED.
  - NECESSARY BARRICADES, SUFFICIENT LIGHTS, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY FOR THE PROTECTION AND SAFETY OF THE PUBLIC SHALL BE PROVIDED IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND MAINTAINED WHEN WORKING IN CLOSE PROXIMITY TO PUBLIC ROADS.
  - THE CONTRACTOR SHALL EXERCISE EXTREME CAUTION WHEN EXCAVATING MANHOLES, PIPES OR OTHER STRUCTURES SHOWN ON THE PLANS.
  - ALL WASTE/DEBRIS FROM DEMOLITION OPERATIONS SHALL BE HAULLED OFFSITE AND DEPOSITED OF TO AN APPROVED LANDFILL.
  - THE 15'-8'-0" (+/-) NOTIFICATION SHALL BE GIVEN TO ALL UNDERGROUND UTILITY COMPANIES NOT LESS THAN THREE (3) WORKING DAYS BEFORE YOU DIG OR BLAST CONTACT THE UTILITIES PROTECTION CENTER AT (404) 325-5000 OR 1-800-365-7411 MONDAY THROUGH FRIDAY FROM 7:00 AM UNTIL 7:00 PM. FOR FURTHER INFORMATION IN ADDITION, PLEASE NOTIFY THE FOLLOWING AGENCIES:
    - a. THE DEKALB COUNTY PUBLIC WORKS-WATER AND SEWER DEPARTMENT (770) 821-7300
    - b. ATLANTA GAS LIGHT COMPANY (404) 584-4458 OR (404) 584-4253 OR 1-800-282-7411
    - c. GEORGIA POWER COMPANY (404) 823-4344 OR 1-800-282-7411
  - CUT AND FILL SLOPES SHALL NOT EXCEED 3:1 V:H.
  - MEASURES AND PRACTICES SHALL OCCUR PRIOR TO LAND DISTURBING ACTIVITIES ON SITE AND BE MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
  - LENGTH OF RIP RAP AREA SHALL BE SIX TIMES THE DIAMETER OF THE STORM DRAIN.
  - EXCESS GROUND MEASURES WILL BE MAINTAINED AT ALL TIMES. ADDITIONAL EROSION CONTROL MEASURES AND PRACTICES WILL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTION.
  - SEDIMENT AND EROSION CONTROL MEASURES AND PRACTICES TO BE INSPECTED DAILY.
  - ALL DISTURBED AREAS TO BE GRASSED AS SOON AS CONSTRUCTION PHASES PERMIT.

**Pyramid EDC Consultants, Inc.**  
Civil Engineering & Development Consultants  
4151 Memorial Drive  
Building A, Suite 210A  
Decatur, GA 30022  
PH: 404.297.0730  
mailto:pyramid@edc.com

**REVISIONS**

Date	Description
12/21/2011	ISSUE FOR PERMIT
12/21/2011	ISSUE FOR PERMIT

**Emory Cove**  
Land Lot 106 - 18th District  
DeKalb County, Georgia

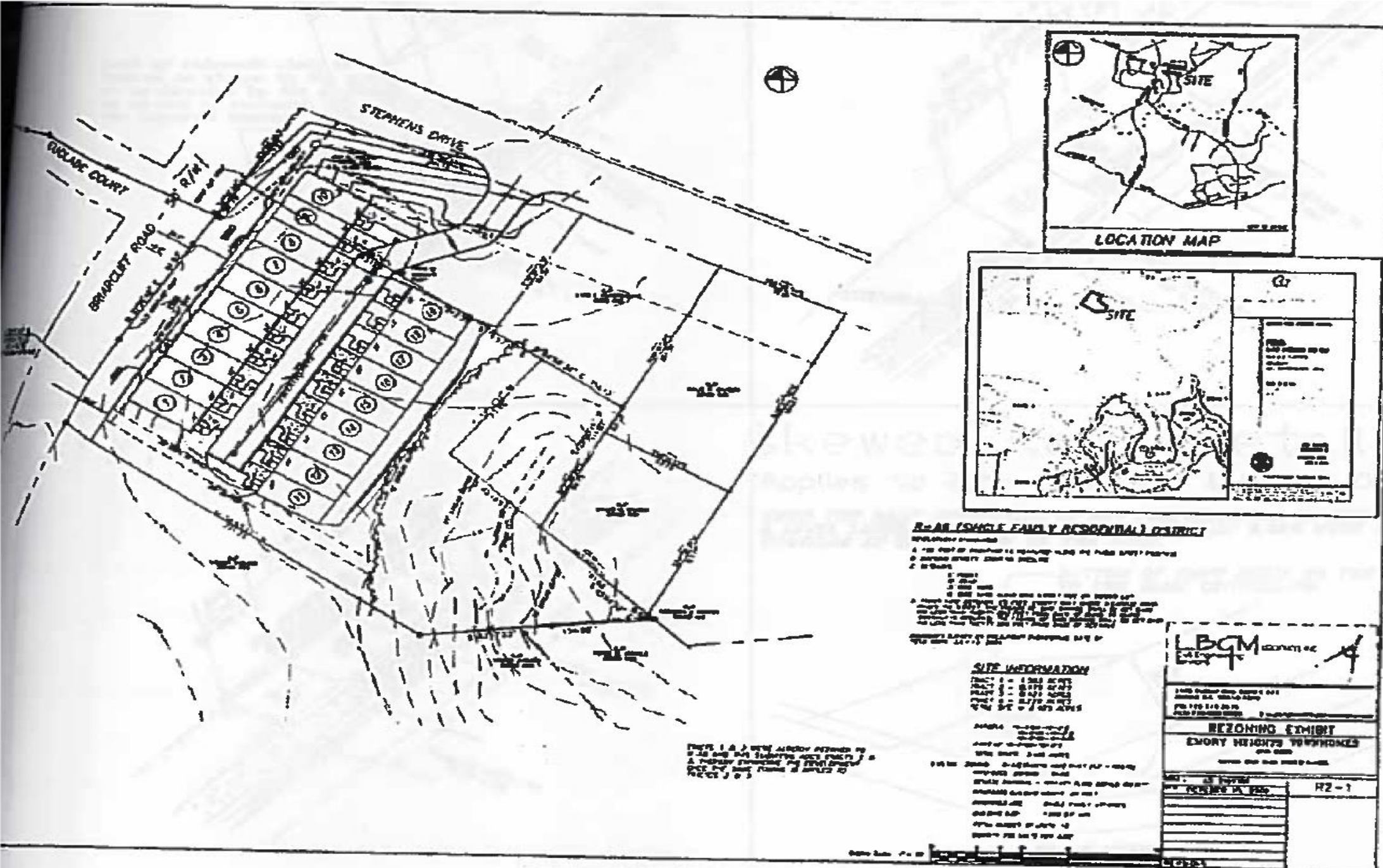
PER Project # 071-P128  
Date: 18 APR 07  
Design by: MAB

**SITE INFORMATION**

TOTAL AREA OF SITE = 2.38 AC.  
TOTAL DISTURBED AREA = 1.73 AC.  
% IMPERVIOUS = 38% (0.90 AC.)

Site Plan

C-1



**Conditions of Zoning for CZ No. 06-1087 - Application filed by Eitan Varon**  
**(revised 05-22-06)**

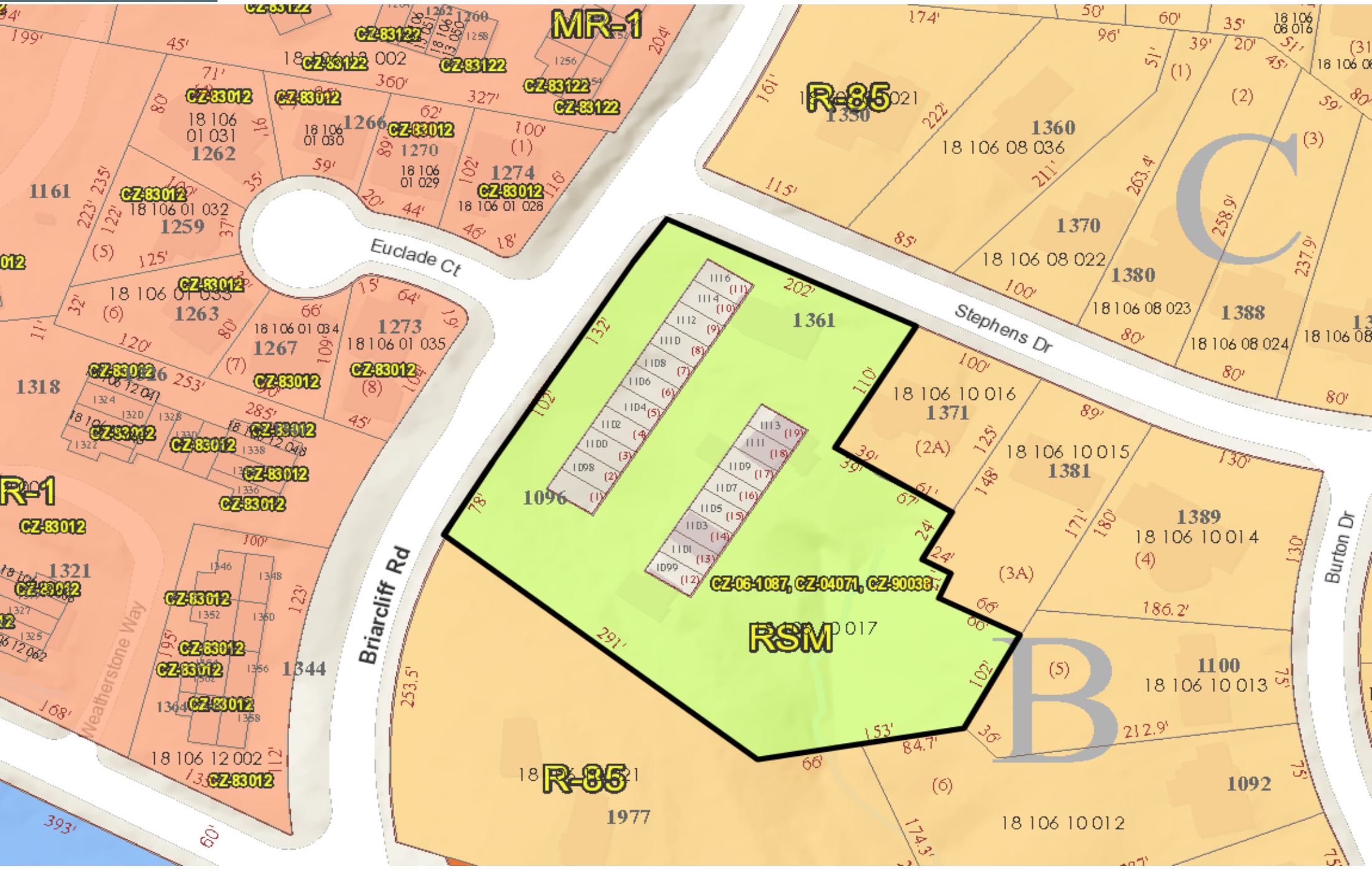
1. Subject to approval from the Development Department, the Subject Property will be zoned R-A8 and developed substantially in accordance with the conceptual site plan prepared by LBGM Engineering dated February 2, 2006 (the "Site Plan") and in accordance with certain hand-written road improvements dated April 19, 2006 required by John Gurbal, Director of the DeKalb County Transportation Department and further recommendations by the Transportation Department by facsimile ~~dated~~ *on some plans* regarding a landscaped median on Stephens Drive (hereinafter "Transportation Improvements"). Commissioner Gannon will submit Site Plan with Transportation Improvements for the record.
2. The existing driveways will be consolidated and all vehicular access to the Subject Property shall be as designed by the Transportation Improvements. Such road improvements shall include a right in/right out on Briarcliff Road with a raised median and a right in/left out on Stephens Drive with a raised island and a "NO Right Turn" sign located internal to the development at the entrance.
3. The developer shall construct a 4 foot wide and approximately 50 foot long landscaped median on Stephens Drive to be located as shown on the Transportation Improvements, which will further preclude residents from the proposed development from turning right out of the development. Exact location and length of median to be determined by DeKalb County Transportation Department, and should accommodate residents across Stephens Drive from the proposed development. Landscaping for the Stephens Drive median shall be determined after consultation with the County Arborist and the Biltmore Estates neighborhood committee. *Landscaped median must be completed before issuance of any certificates of occupancy.*
4. The height of any buildings on the Subject Property shall be restricted to three stories.
5. Underground utilities shall be utilized.
6. Any exterior lights shall be screened, shielded and/or shaded so as to minimize glare and the casting of light outside of the new development.
7. The front facade and sides of each building shall consist of brick, masonry stucco, stacked stone, shake, and/or other masonry products (excluding the architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or any other cantilevered areas.
8. Each townhome shall have a minimum of 2,000 square feet of heated floor space and a two car garage.
9. All open space, park space, landscaping, architectural controls and other common areas shall become the responsibility of a mandatory Homeowners' Association established by the Developer for this community.

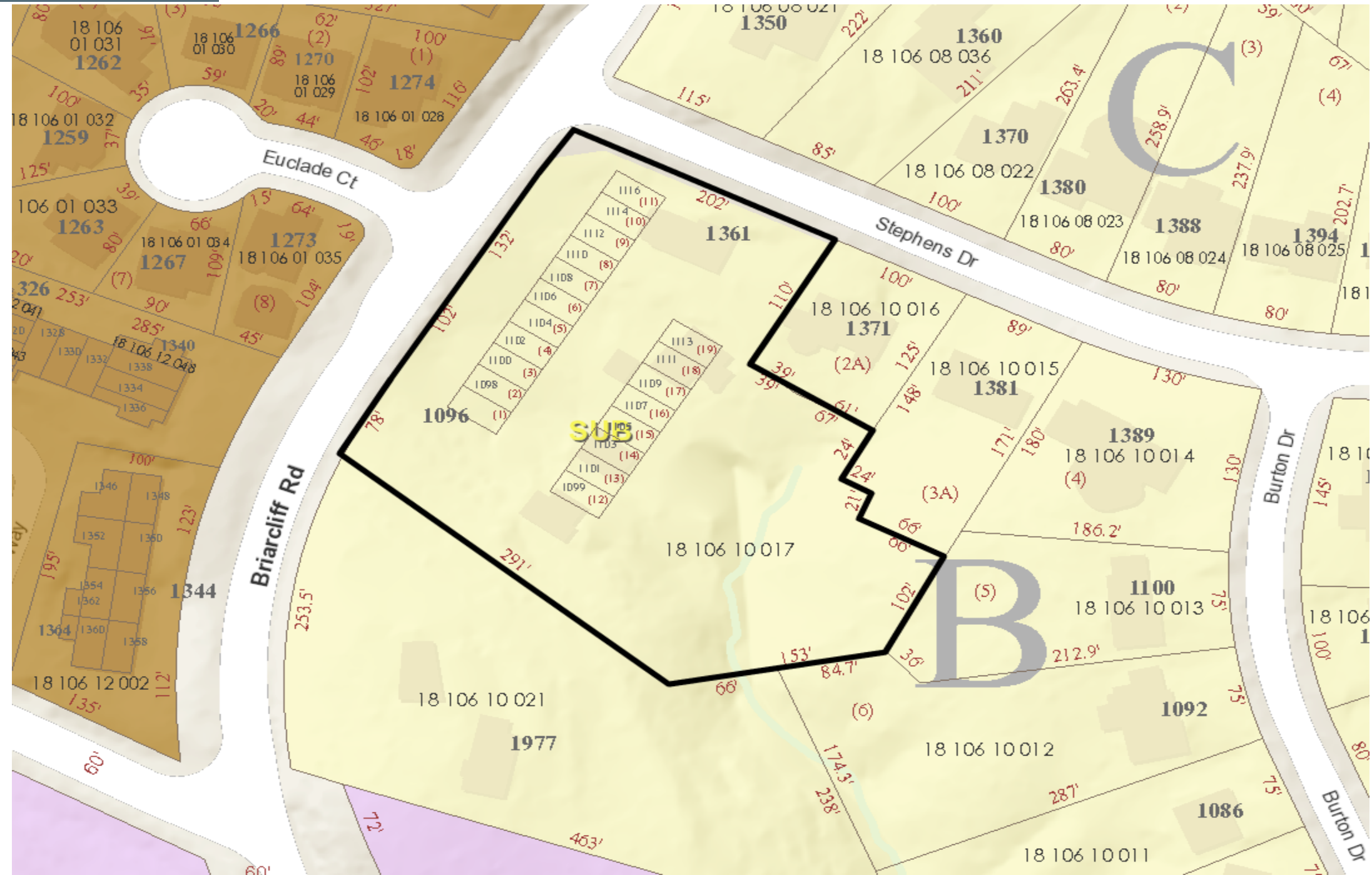
10. A six foot opaque, decorative fence shall be installed along the southern property boundary that is shared by Mr. Homer Cheung. Additionally, a row of Leyland Cypress or other ever green trees shall be planted inside the fence to provide additional screening for Mr. Cheung.
  
11. In an effort to improve pedestrian access in the Biltmore Estates community, the Applicant shall install sidewalks from the Subject Property's northeast boundary line on Stephens Drive to its intersection with Biltmore Drive, subject to approval by DeKalb County *and/or property owners on Stephens Drive where no County right-of-way exists along their property where the sidewalks are proposed.*

*May 28, 2006*

*Katherine Pearson*









Euclade Ct

Briarcliff Rd

Stephens Dr

Subject Property