



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 300
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov**

Michael Thurmond
Chief Executive Officer

**Planning Commission Hearing Date: September 10, 2019, 6:30 P.M.
Board of Commissioners Hearing Date: September 24, 2019, 6:30 P.M.**

STAFF ANALYSIS

Case No.: Z-19-1243381 **Agenda #:** N.5

Location/Address: 1639 Eastland Road **Commission District:** 03 **Super District:** 06

Parcel ID: 15-143-19-011

Request: To rezone property from R-75 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to construct 64 single family fee simple attached townhomes at a proposed density of 7.2 units per acre.

Property Owner/Agent: Oasis Family Life Church, Inc.

Applicant/Agent: Loren Wimpfheimer

Acreage: 8.9

Existing Land Use: Vacant building/Undeveloped land

Surrounding Properties Adjacent Zoning: To the north, west and southeast are single family detached residences zoned R-75 (Residential Medium Lot-75) District. To the east are single family detached residences zoned NS (Neighborhood Shopping) District. Glen Emerald Park abuts the property to the south zoned MR-1 (Medium Density Residential -1)

Comprehensive Plan: **Traditional Neighborhood (TN)** **Consistent** **Inconsistent**

Proposed Density: 7.2 units/acre	Existing Density: N/A
Proposed Square Ft.: 1,200 SF per unit (minimum)	Existing Units/Square Feet: N/A
Proposed Lot Coverage: 27%	Existing Lot Coverage: N/A

SUBJECT PROPERTY

The 8.9-acre site has frontage on Eastland Road and along Lake Drive. The subject property contains a vacant church along Eastland Road and undeveloped land with trees and vegetation along Lake Drive. The surrounding properties to the west, north and east are single family residential with neighborhood shopping at the intersection of Eastland Road and Lake Drive to the east. The property to the south of the subject property is Glen Emerald Park. That site is zoned R-75.

ZONING HISTORY

This site is currently zoned R-75. A vacant church/office built in 1967 currently sits on the site.

ZONING ANALYSIS

The site is currently zoned R-75 (Residential Medium Lot -75). 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 8.9-acre site to the RSM (Small Lot Residential Mix) District to allow for the development of a 64 single family fee simple attached townhomes. The proposed RSM zoning district is appropriate for the site given its consistency with the 2035 Comprehensive Land Use Plan which designates this site within the Traditional Neighborhood (TN) Character Area. The intent of the Traditional Neighborhood (TN) Character Area is identified as areas to include higher pedestrian orientation, sidewalks, and buildings closer to the front property line.

Per Article 2.12.1 A & B, the intent of the RSM zoning district is to provide for the creation of residential neighborhoods that allow a mix of single-family attached and detached housing options, and to provide flexibility in design and product on the interior of new development while protecting surrounding neighborhoods. The proposed RSM zoning district is compatible with adjacent and surrounding Neighborhood Shopping (NS) District and Medium Density Residential -1 (MR-1) zoned properties along Eastland Road and Lake Drive.

PROJECT ANALYSIS

Per the submitted application and site plan, the applicant is requesting to rezone the property from R-75 (Residential Medium Lot -75) District to RSM (Small Lot Residential Mix) District to allow for the development of a 64 single family fee simple attached townhomes at a proposed density of 7.2 units per acre. The submitted site plan depicts 51 rear loaded townhomes along Eastland Road and Lake Drive. The remaining 13 townhomes located at the end of Lake Drive will be front loaded. All the townhomes will have sidewalks with paths leading to the front door.

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 Traditional Neighborhood (TN) Character Area. The intent of the Traditional Neighborhood (TN) Character Area is identified as areas to include higher pedestrian orientation, sidewalks, and buildings closer to the front property line. The proposed rezoning and development is 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 allow for the development of 64 single family fee simple attached townhomes at a proposed density of 7.2 units per acres is suitable given the adjacent Neighborhood Shopping (NS) District and Medium Density Residential -1 (MR-1) zoned properties along Eastland Road and Lake Drive.

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

The current zoning of R-75 and the topography of the site provides a challenge in developing the site into similar traditional style R-75 lots. The current vacant church/office and wooded land does not provide a reasonable economic use as currently zoned. The site is located within a Traditional Neighborhood (TN) Character Area which identifies characteristics includes higher pedestrian orientation, sidewalks, and buildings closer to the front property line. The proposed rezoning to RSM District to allow for the development of 64 townhomes allow options for more viable economic performance of the current vacant and wooded land.

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 Eastland Road and Lake 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 site is surrounded by residential zoned properties and neighborhood shopping zoned property. The proposed rezoning to RSM and development of 64 single family attached fee simple townhomes is consistent with the Traditional Neighborhood Character Area policies identified by the 2035 Comprehensive Plan.

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

There are no known historic buildings, sites, districts or archeological resources that would be adversely affected by the rezoning request to the RSM District.

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 rezoning request to RSM and residential development would not have an impact on vehicle and pedestrian traffic in the area. Access points and sidewalk addition and improvements are critical to development. DeKalb County Department of Public Works – Transportation Division requires 35-foot right of way dedication from centerline, 6-foot sidewalks, 5 foot landscape strip, bike lanes, street lights along Eastland Road. Along Lake Drive, a 27.5-foot dedication from centerline of right of way, 6-inch header curb, 5-foot sidewalks, 5-foot landscape strip, bike lanes and street lights are required by DeKalb County Department of Public Works -Transportation Division. The DeKalb County Public Works Traffic Engineering did not see any concerns.

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

The request for RSM zoning on the site should not adversely impact the environment or surrounding natural resources. However, the site plan review and Land Disturbance Permit (LDP) process will ensure that to establish tree preservation standards, storm water management standards and emergency vehicle access requirements have been met. The DeKalb County Department of Planning and Sustainability – Land Development Division requires an updated flood plain study to determine the new buffer streams and flood zone in the wetlands on the subject property.

COMPLIANCE WITH DISTRICT STANDARDS PER TABLE 2.4:

Property zoned for RSM (Small Lot Residential Mix) must comply with minimum development standards per Article 2 – Table 2.4 Medium and High-Density Residential Zoning Districts Dimensional Requirements of the DeKalb County Zoning Ordinance.

RSM STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
LOT WIDTH (M)	25	25	YES
LOT AREA (M)	1,000 SQUARE FEET	1,000	YES
LOT COVERAGE	70% (MAXIMUM)	57.4%	YES
MINIMUM UNIT SIZE	1,200 SQUARE FEET	1,200 SQUARE FEET	YES
DWELLING UNITS PER ACRE	4 – 8	7.2	YES
FRONT BUILDING SETBACK	10	10 Feet	YES
SIDE BUILDING SETBACK	N/A	N/A	N/A
REAR SETBACK	10 FEET	10 FEET	YES
HEIGHT	3 STORIES OR 45 FEET	3 STORIES OR 45 FEET	YES
PARKING – ARTICLE 6	1 PER 2,500 SF (MIN) 1 PER 500 SF (MAX)	80 SPACES	YES
OPEN SPACE	MINIMUM 20%	45%	YES

STAFF RECOMMENDATION: DEFERRAL

The proposed request to rezone property from R-75 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District to construct 64 single family fee simple attached townhomes at a proposed density of 7.2 units per acre is compatible with the surrounding and adjacent properties. The request to allow for the development of 64 single family fee simple attached townhomes is compatible with the Traditional Neighborhood (TN) Character Area in the 2035 Comprehensive Land Use Plan and the following policies: density increases, infill development and residential protection.

The applicant will need to provide the requested flood plain study to determine the new buffer streams and flood zone in the wetlands on the subject property before staff can recommend approval. Therefore, it is the recommendation of Planning and Sustainability Department that the rezoning from R-75 (Residential Medium Lot) District to RSM (Small Lot Residential Mix) District be DEFERRED along with the Staff’s recommended conditions:

1. Subject property shall be developed for no more than 64 attached townhomes per the site plan dated July 2, 2019.
2. DeKalb County Department of Public Works – Transportation Division requires 35-foot right of way dedication from centerline, 6-foot sidewalks, 5-foot landscape strip, bike lanes, street lights along Eastland Road.

3. DeKalb County Department of Public Works – Transportation Division requires 27.5-foot right of way dedication from centerline, 5-foot sidewalks, 5-foot landscape strip, bike lanes, street lights along Lake Drive
4. The DeKalb County Department of Planning and Sustainability – Land Development Division requires an updated flood plain study to determine the new buffer streams and flood zone in the wetlands on the subject property.

Attachments:

1. **Department and Division Comments**
2. **Application**
3. **Site Plan**
4. **Zoning Map and Land Use Map**
5. **Aerial Photograph/Site Photographs**

September 2019 Rezoning Traffic Comments

N1. No customer parking on Tolbert Drive between the driveway and Frazier Rd. All parking must be on property or east of driveway on Tolbert Drive as to not interfere with the intersection of Frazier Rd at Frazier Ct/Tolbert Dr.

N2. Briarcliff Road is SR 42. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Briarcliff Road is classified as a minor arterial. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Verify sight distance for access point prior within plan approval submittal.

N3. Owner needs to coordinate with the plans for the adjacent Kroger Shopping Center. Kroger has approval for proposed work in the right of way in front of this property to add a turn lane onto Henderson Mill Road (for the tapers). Chamblee Tucker Road and Henderson Mill Roads are both classified as minor arterials. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Only one access point allowed on each road as far away from traffic signal as possible. Provide ADA ramps for the crosswalks at signal (existing, but not shown on plan).

N4. Build sidewalks along entire frontage of Citadel Square on Memorial College Drive. Street lights required. Memorial Drive is classified as a collector. Right of way dedication required 35 feet from centerline. Bike lanes required- but if developer would install the 6' sidewalks along the entire shopping center property frontage on Memorial College Drive, I would support a variance for the bike lanes.

N5. Eastland Road is classified as a collector street. Right of way dedication of 35 from centerline required. 6-foot sidewalks, street lights and 5-foot landscape strip required. Bike lanes required. Lake Drive is classified as a local street. Must bring street up to standards- complete improvements of half the road along the frontage. Dedication 27.5 feet from centerline of right of way. 6-inch header curb, five-foot sidewalks, five-foot landscape strip, street lights.

N6. Flat Shoals Parkway is DR 155. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Flat Shoals Parkway is classified as a major arterial. 6-foot sidewalk, bike facilities, 50 right of way dedication, and street lights required. Only Right in/right out access point allowed. No acceleration lane. Local streets must have a 55 foot right of way, 12-foot travel lanes, 6-foot landscape strip, 5-foot sidewalk and street lights required. Verify sight distance for vehicles existing site within plan approval submittal.

N7. Coordination with GDOT's MMIP projects along I-20 required prior to permitting. Coordination with MARTA I-20 east line required prior to permitting. Bring Snapfinger Road along property frontage down to apartment driveway (Wesley Club Drive) up to current county standards (24 pavement, header curb, 5-foot sidewalk, landscape strip, and street lights). Please note that existing site plans appears to use a County owned ROW corridor (Kelly Chapel Road). Roundabout also appears to be on property owned by others. Streets beyond roundabout to be private.

N8. N8 is labeled as N7 with a different site plan. Coordination with GDOT's MMIP projects along I-20 required prior to permitting. Coordination with MARTA I-20 east line required prior to permitting. Bring Snapfinger Road along property frontage down to apartment driveway (Wesley Club Drive) up to current county standards (24 pavement, header curb, 5-foot sidewalk, landscape strip, and street lights). Add Street Lights at entrance on Kelly Chapel Road.

N9. Hard to make zoning comments without knowing the number of trips or specific use. 25 acres- need more info. DRI? Looks like N9 is being split into a 350K sq. foot distribution center and a 300-unit apartment complex.

N10. Requires traffic Study and sight distance study. Clifton Springs is a minor arterial. Requires 40 foot right of way donation from centerline, 6-foot planting strip, 6-foot sidewalk, bike facilities and street lights. Left turn lane into facility from Clifton Springs Road. DRI with N11.

N11. Traffic Study Required. DRI with N10? 300 units- one access point? No site plans? Flat Shoals Parkway is SR 155. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Flat Shoals Parkway is classified as a major arterial. 6-foot sidewalk, bike facilities, 50 right of way dedication, and street lights required. Only Right in/right out access point allowed. Traffic study should include impacts of U-turns on neighboring intersections and determine if pavement is available too accommodate U-turns.

N12. No Comments

N13. No Comments

N14. No Comments

N15. No Comments

N5



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 2-19-1243381 Parcel I.D. #: 15-143-19-011

Address: 1639
Eastland Rd
Atlanta, Ga. 30316

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

PLANS AND FIELD REVIEWED. NO PROBLEM THAT WOULD
INTERFERE WITH TRAFFIC FLOW.

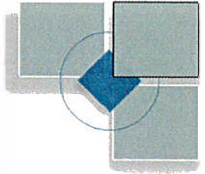
Signature: Jerry Whit



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP
OF DEKALB COUNTY, GEORGIA

Z/CZ No. _____

Filing Fee: _____

Date Received: _____ Application No.: _____

Applicant: Loren Wimpfheimer E-Mail: Loren.wimpfheimer@capkeyrealestate.com

Applicant Mailing Address: 4401 Northside Parkway, Suite 711, Atlanta, GA 30327

Applicant Phone: 404-220-7608 Fax: _____

Owner(s): _____ E-Mail: _____
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: _____

Owner(s) Phone: _____ Fax: _____

Address/Location of Subject Property: 1639 Eastland Road

District(s): 15 Land Lot(s): 143 Block: 19 Parcel(s): 1514319011

Acreage: 18.9 Commission District(s): District 3

Present Zoning Category: R-75 Proposed Zoning Category: RSM

Present Land Use Category: TN

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

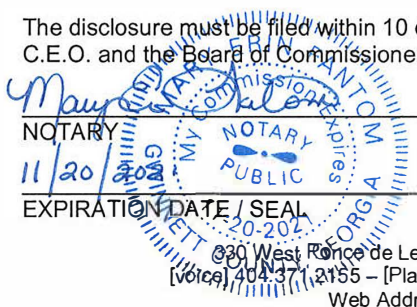
In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing;

- 1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.



Signature of Applicant: [Handwritten Signature] DATE

Check One: Owner Agent [checked]

DEPARTMENT OF PLANNING & SUSTAINABILITY

Rezoning Application to Amend the Official Zoning Map of DeKalb
County, Georgia

Date Received: _____ Application No: _____

Applicant Name: Loren Wimpfheimer

Applicant E-Mail Address: loren.wimpfheimer@capkeyrealestate.com

Applicant Mailing Address: 4401 Northside Parkway, Suite 711
Atlanta, GA 30327

Applicant Daytime Phone: 404.220.7608 Fax: _____

Owner Name: _____

If more than one owner, attach list of owners.

Owner Mailing Address: _____

Owner Daytime Phone: _____

Address of Subject Property: 1639 Eastland Road SE
Atlanta, GA 30316

Parcel ID#: 1514319011

Acreage: ± 8.9 Commission District: District 3

Present Zoning District(s): R-75

Proposed Zoning District: ~~AAR-1~~ RSM

Present Land Use Designation: Traditional Neighborhood

Proposed Land Use Designation (if applicable): Traditional Neighborhood

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

REZONE APPLICATION AUTHORIZATION

Completion of this form is required if the individual making the request is **not** the owner of the property.

DATE: 5/29/2019

CHECK TYPE OF APPLICATION:

- () LAND USE PLAN
- () REZONE
- () MINOR MODIFICATION

TO WHOM IT MAY CONCERN:

(I) (WE), Oasis Family Life Church / Cynthia Anderson
(Name of owner(s))

being (owner)/(owners) of the property described below or attached hereby delegate authority to

Kenneth Wood - Planners and Engineers Collaborative
(Name of Applicant or Agent Representing Owner)

to file an application on (my) / (our) behalf.

B. Layman
Notary Public

Cynthia Anderson
Owner

Notary Public

Owner

Notary Public

Owner



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

Yes _____ No *

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Mary Erin Fantom
Notary

Isabel M. Harris
Signature of Applicant /Date

Check one: Owner _____ Agent

11/20/2021
Expiration Date/ Seal



*Notary seal not needed if answer is "no".

6/7/2019

Re: **Pre-Community Meeting**
1639 Eastland Road
Planners and Engineers Collaborative, Inc. Project No. 19053.00

Dear Neighbors,

Planners and Engineers Collaborative, Inc. and Capkey Real Estate Advisors would like to inform you that a Land Use application will be submitted on July 5, 2019 to the DeKalb County Planning & Sustainability. The request would rezone the property located at 1639 Eastland Road from R-75 to MR-1, which would allow for a new single-family attached townhome development. The proposed development would leave much of the property undisturbed and would preserve many of the existing trees on the site.

A neighborhood meeting will be held on Tuesday, June 25, 2019 from 6:30 to 7:30pm at Community Bible Chapel (1430 Bouldercrest Road). The purpose of the meeting is to provide neighbors and interested parties with the opportunity to meet with PEC and the Developer to ask any questions and/or voice any concerns.

We are committed to keeping the public informed during the process of this application. If you have any questions, comments, or concerns, please feel free to reach out to Loren Wimpfheimer of Capkey at 404-220-7608.

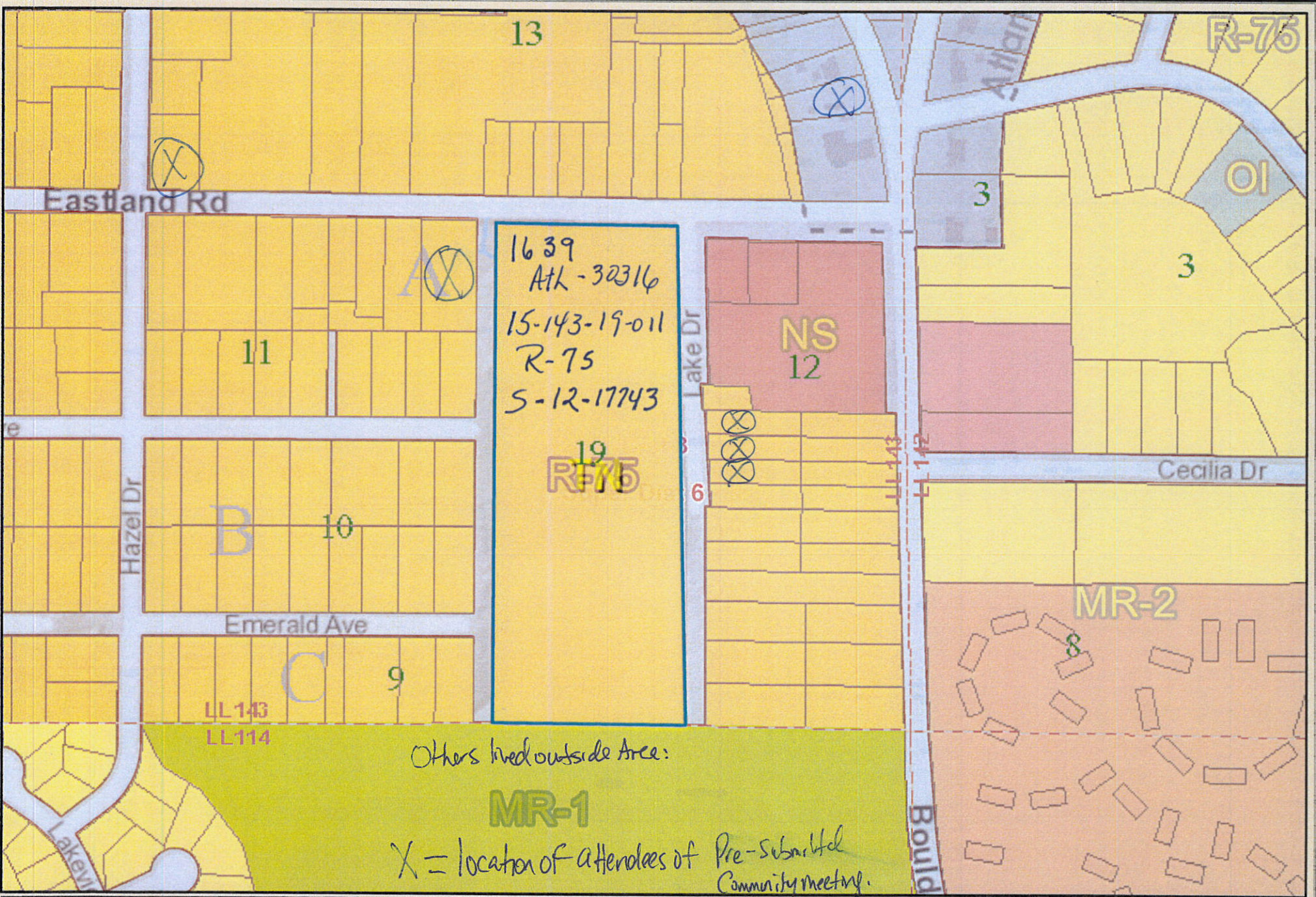
Sincerely,
Planners and Engineers Collaborative, Inc.



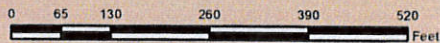
Kenneth J. Wood, P.E, LEED AP
President

For the Firm

kjw/ht/dp



1639 EASTLAND ROAD



Date Printed: 5/29/2019



DeKalb County GIS Disclaimer

The maps and data, contained on DeKalb County's Geographic Information System (GIS) are subject to constant change. While DeKalb County strives to provide accurate and up-to-date information, the information is provided "as is" without warranty, representation or guarantee of any kind as to the content, sequence, accuracy, timeliness or completeness of any of the database information provided herein. DeKalb County explicitly disclaims all representations and warranties, including, without limitation, the implied warranties of merchantability and fitness for a particular purpose. In no event shall DeKalb County be liable for any special, indirect, or consequential damages whatsoever resulting from loss of use, data, or profits, whether in an action of contract, negligence, or other actions, arising out of or in connection with the use of the maps and/or data herein provided. The maps and data are for illustration purposes only and should not be relied upon for any reason. The maps and data are not suitable for site-specific decision-making nor should it be construed or used as a legal description. The areas depicted by maps and data are approximate, and are not necessarily accurate to surveying or engineering standards.

7/5/2019

DeKalb County Dept. of Planning & Sustainability
330 West Ponce de Leon Ave, Stes. 100-500
Decatur, GA 30030

Re: **Letter of Intent**
1639 Eastland Road
Planners and Engineers Collaborative, Inc. Project No. 19053.00

Dear Planning and Zoning,

This rezoning application is being submitted on behalf of the developer, Capkey Real Estate Advisors. This application proposes to rezone the 8.9-acre site that is currently zoned R-75 (Residential Medium Lot) to RSM (Residential Small Lot). This rezoning would facilitate the construction of a new, 67-unit townhome development consisting of rear- and front-loaded townhomes.

The site is located in the southwestern area of DeKalb County near the Atlanta city line and the border of Fulton County. The site is bounded by Eastland Road to the north, Lake Drive to the east, Glen Emerald Park to the south, and an unpaved, unused alleyway to the east.

The surrounding uses are as follows:

- East: across Lake Drive is the rear elevation of a church building, screened by significant overgrowth. There are also several new construction single-family homes facing the site.
- West: across the overgrown, unpaved alleyway are three dead-end streets lined with single-family homes built in the mid-20th century.
- North: across Eastland Road are eight single-family homes built in the mid-to-late 20th century. To the northwest is a Methodist church, and to the northeast are single family homes within Atlanta city limits.
- South: immediately south of the site is a large community park called Glen Emerald park. It is improved with tennis courts and a playground and has a large lake.

Zoning Rationale

The site is located in the Traditional Neighborhood (TN) character area as specified in the City’s comprehensive plan. The Traditional Neighborhood character area envisions preserving the style and appeal of older, traditional neighborhoods with features such as a pedestrian-focused circulation, grid-like street patterns, and buildings close to the front property line. The comprehensive plan states that acceptable zoning designations within this character area include residential single-family districts (such as R-100 through R-60), medium-density residential districts (such as RSM and MR-1), and mixed-use/non-residential districts (such as MU-1, MU-2, NS, C-1, and O&I).

The rezoning proposal for a new townhome development on the subject property is consistent with the comprehensive plan’s vision for walkable, human-scale, residential development to occur in this area. The proposal includes 67 townhomes that match the approximate size and scale of surrounding single-family homes. Additionally, the townhomes along the larger thoroughfare, Eastland Road, will be rear-loaded and accessed via an alleyway from behind, which is expressly encouraged by the TN character area of the comprehensive plan. The proposal for townhomes at this location contributes to the mix of residential development that characterizes this area, creating



a transition from the single-family homes that surround the site to the north and west, and the well-established apartment communities further to the south and east of the site.

The proposed project is a drastic improvement from the site's existing conditions. Currently, the site is occupied by an old, dilapidated church building that has received several code enforcement violation citations. The structure is very old (built in 1938), and is functionally obsolete. Renovating and reusing the existing structure as a church is infeasible, given the high costs of renovation and the scope of work necessary to improve it. Additionally, the church is surrounded by a significant amount of grass and tree overgrowth on all sides. The overgrowth extends for almost the entire frontage of Eastland Road, and covers the entire rest of the site perimeter. The proposed project would clear the overgrowth from the street frontages visible to neighbors and passersby. Townhomes would be built along the northern and eastern property lines, fronting the single-family homes across the street and matching them in the context of bulk and height. The townhomes would extend down the newly extended Lake Drive (construction is currently underway), creating a welcoming, pedestrian-oriented street frontage from which the Glen Emerald Park may be accessed. This development would provide more 'eyes on the street' along this road before the public access, improving public safety.

The proposal to rezone to the RSM district and the subsequent development of townhomes is the optimal use of the site. As mentioned, the property is currently improved with a small church that is in dire need of redevelopment. Being that the site is nestled amongst established single-family homes, and that the future land use designation is traditional neighborhood, it is clear that the best use of the site is residential. The existing R-75 zoning on the 8.9-acre site would theoretically allow for 38 single-family homes on 10,000 square foot lots. However, the site has a variety of issues that are impediments to the full use and development of the site: a stream on the western half of the site that is subject to stream buffers, steep topography on either side of the stream, and a significant area of wetlands towards the middle of the southern half of the site. Due to these constraints, more than 50 percent of the site area is unusable. Only about 3.7 acres of the site is buildable, and under the R-75 zoning (with a 10,000 square foot minimum lot size), the redevelopment potential is severely depleted.

The proposed project would work with the topographic and natural constraints, not against them. The goals of the TN future land use designation encourage small, grid-like blocks. Ideally, this would mean extending the existing Diamond and Emerald Avenues eastward across the site and proposing homes on either side. However, due to the complicated topography described above, this is virtually impossible. Therefore, given the obstacles imposed by the natural features coupled with the limiting dimensional requirements of the existing R-75 zoning, the site plan configuration as presented is the optimal use of the site. In addition to continuing the streetscape, visually improving the neighborhood, and adding new homes in an appropriate size and scale, this proposal will also preserve the wetlands, trees, and stream buffers that occupy over 50 percent of the site.

Constitutional Objections

The portions of the Code of Ordinances and Zoning Ordinance for DeKalb County (the "Zoning Ordinance") which classifies or conditions the Property into any more or less intensive zoning classification and/or zoning conditions other than as requested by the Applicant and property owner are unconstitutional, in that they would destroy the Applicant's and property owner's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance which presently restricts the Property's use to the present zoning classification, uses, regulations, requirements, and conditions is unconstitutional, illegal, null and void, and constitutes a taking of the Applicant's and the property owner's property rights in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States by denying economic and viable use of the Property while not substantially advancing legitimate state interests.



The Property is presently suitable for RSM as proposed in the requested rezoning, as amended by the Applicant, and is not economically suitable for uses restricted under its present zoning and development classification, conditions, regulations, and restrictions due to its location, shape, size, surrounding development, and other factors. A denial of the requested rezoning and related variances would constitute an arbitrary and capricious act by DeKalb County, and the Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment. A refusal by DeKalb County, and the Board of Commissioners to approve this requested rezoning, with only such additional conditions as agreed to by the Applicant and/or owner, so as to permit the only feasible economic use of the Property, would be unconstitutional between the Applicant, owner, and similarly situated property owners, in violation of Article I, Section I, Paragraph II of the Constitution of the State by discriminating of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment.

Conclusion

The Applicant and Owner respectfully request the approval and support of DeKalb County's Board of Commissioners, and Planning Staff of the Applicant's rezoning request to change the project site's zoning from R-75 (Residential Medium Lot) to RSM (Residential Small Lot). Applicant and owner believe that this rezoning would ensure the optimal use of the site—a new, 67-unit single-family attached townhome development.

The Applicant respectfully submits this proposal as the most appropriate use of the site. In addition to maintaining the intent of the character area, it provides new single-family housing that is consistent with existing context and will improve the existing streetscape and neighborhood.

The Applicant, owner, and their representatives welcome the opportunity to meet with all interested parties and representatives.

Sincerely,
Planners and Engineers Collaborative, Inc.

Kenneth J. Wood, P.E., LEED AP
President

For the Firm

kjw/dp/ht

7/5/2019

DeKalb County Dept. of Planning & Sustainability
330 West Ponce de Leon Ave, Stes. 100-500
Decatur, GA 30030

Re: **Analysis Requirements**
1639 Eastland Road
Planners and Engineers Collaborative, Inc. Project No. 19053.00

Dear Planning and Zoning,

Below are responses required per the DeKalb County Application to Rezone;

Section 27-832. Standards and factors governing review of proposed amendments to official zoning maps. The following standards and factors are found to be relevant to the exercise of the County’s zoning powers and shall govern the review of all proposed amendments to the official zoning maps:

A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The proposal would change the zoning designation of the property from R-75 to RSM. The future land use designation for this site, as delineated by the DeKalb county comprehensive plan is Traditional Neighborhood (TN). RSM is a permitted zoning district in this character area. The change in zoning would facilitate the development of a new townhome community that would contribute to building the residential character of the area—a key goal of the comprehensive plan. The new proposed townhomes would have an orientation towards Eastland Road with alleys behind, and would be close to the street; these are all key ideas of the TN. Additionally, if approved, the development will occur in tandem with the extension of Lake Drive, the bounding road along the site’s eastern edge. The extension will enable the construction of townhomes along the eastern edge toward the southern property line, which will add to the residential character of the area, advancing the intent of the TN character area.

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 zoning proposal from R-75 to RSM would permit a new townhome development—a drastic improvement from the existing dilapidated church structure that is currently on the property. The new development would improve the condition and appearance of the parcel. A significant portion of the natural area and features of the site would be preserved (accounting for almost 60 percent of the site), but the overgrowth that makes up most of the site’s frontage would be removed. The townhomes would be built along the northern and eastern property lines, which would significantly enhance the streetscapes along Lake Drive and Eastland Road with new, residential character, as called for in the comprehensive plan. This area is also very mixed in character, with much of the land being un- or underdeveloped. To the west are two residential streets developed with traditional single-family homes, with several undeveloped lots interspersed. The density of these blocks ranges from 1.7 units per acre to 3 units per acre. To the east directly across Lake Drive are four newly-built modern homes. These homes are similar in height and bulk to the proposed townhomes, and more are planned to be built upon the extension of Lake Drive. Further from the site, across Bouldercrest Road, is the Ashford East Village apartment complex with a density of approximately 10 units per acre. The addition of townhomes at this location will contribute to the mixed character, which is suitable for adjacent development and in line with the comprehensive plan.



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

The existing R-75 zoning would allow for the construction of approximately 38 single-family homes on 10,000 square foot lots. However, the site has many natural conditions that are impediments to development, including: a stream on the western side of the site that is subject to stream buffers, steep topography on either side of the stream, and a significant area of wetlands towards the middle of the southern half of the site. Because of these constraints, well over 50 percent of the site is unusable, and should be preserved. This leaves only about 3.7 acres of buildable land, which, under the R-75 zoning would yield approximately 16 lots. When necessary improvements such as internal alleyways, stormwater detention, and site grading are complete, the number of lots would be even lower, severely depleting any potential to redevelop this site.

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

The zoning proposal will not adversely affect the use or usability of adjacent or nearby properties. The RSM zoning district is included among those permitted under the Traditional Neighborhood future land use designation. The proposed townhomes permitted under the RSM district will add to the residential streetscape along Eastland Road, where there is currently only the small, dilapidated church building. The townhomes along Eastland will be rear-loaded, so that all of the parking/driving operations for these homes will occur in the alleyway behind them. Because of this, they will not cause additional traffic directly onto Eastland Road, burdening nearby homes.

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 property is owned by Oasis Family Life Church, and the existing structure on the 8.9-acre property is a small church. The existing structure is small, very old (built in 1938), and functionally obsolete. The costs to renovate the structure and improve its usability are very high, making reuse of the structure as a church infeasible. Being situated amidst a well-established neighborhood, and having a future land use designation of Traditional Neighborhood, the most suitable use for this site is residential. However, due to the complicated topography and the stream running through the western half of the site, over 50 percent of the site is virtually unusable. Therefore, 'traditional' neighborhood development (in the sense of continuing the pattern of small grid-like blocks) is nearly impossible to construct at this site. The site plan configuration as presented, with attached townhomes, is the optimal use of the site, while respecting the natural limitations and preserving existing wetlands and trees on the site.

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

The zoning proposal will not affect historic buildings, sites, districts, or archaeological resources. The site is not located in a historic district, and there are no historic buildings within the immediate vicinity of the project. Based on a cursory view of the area, many of the houses on surrounding streets appear to have been built in the latter half of the 20th century. Additionally, many of the homes directly adjacent to or across the street from the site are new construction or very modern in appearance, and were built in the early 2000s.

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

The proposal will not result in excess or burdensome use of existing streets, transportation facilities, utilities or schools. A significant number of lots surrounding the project site are currently vacant or unoccupied. The density proposed by the project is less than the maximum allowed in the character area. As mentioned previously, the extension of Lake Drive will expand the street frontage for building on the project site and directly across the street, as well as extend utility infrastructure improvements (water, sewer). Because of this, the infrastructure will be able to meet capacity for new buildings.

Sincerely,
Planners and Engineers Collaborative, Inc.

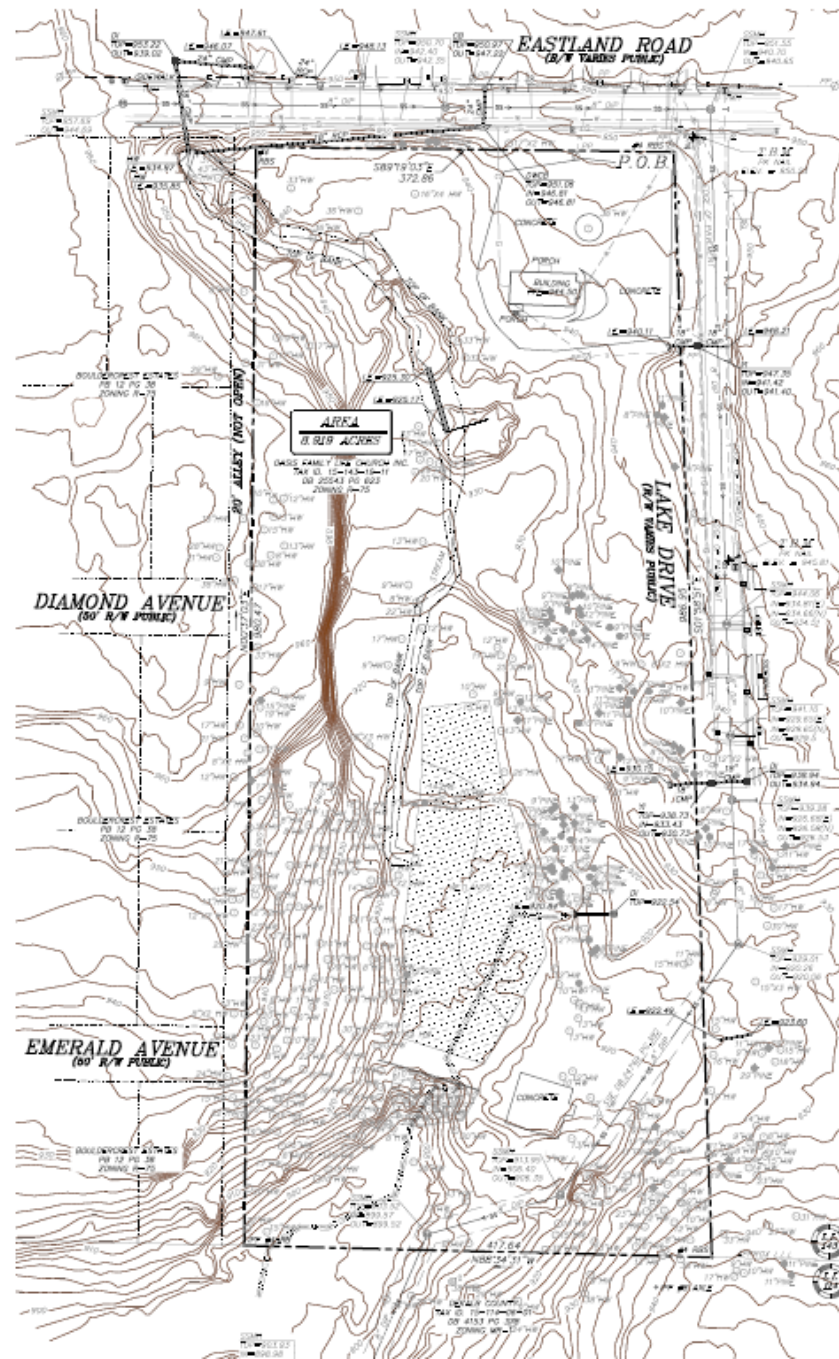


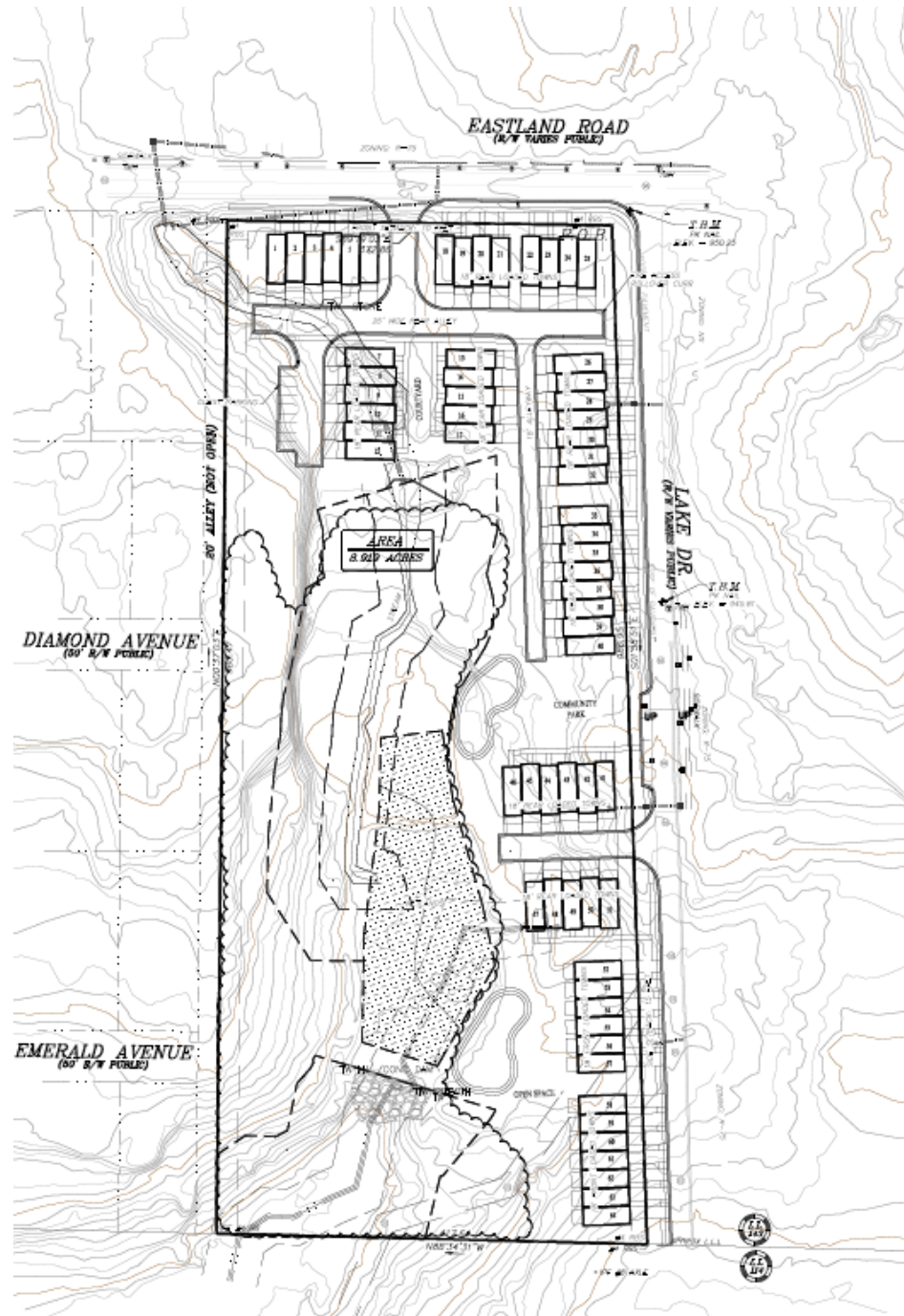
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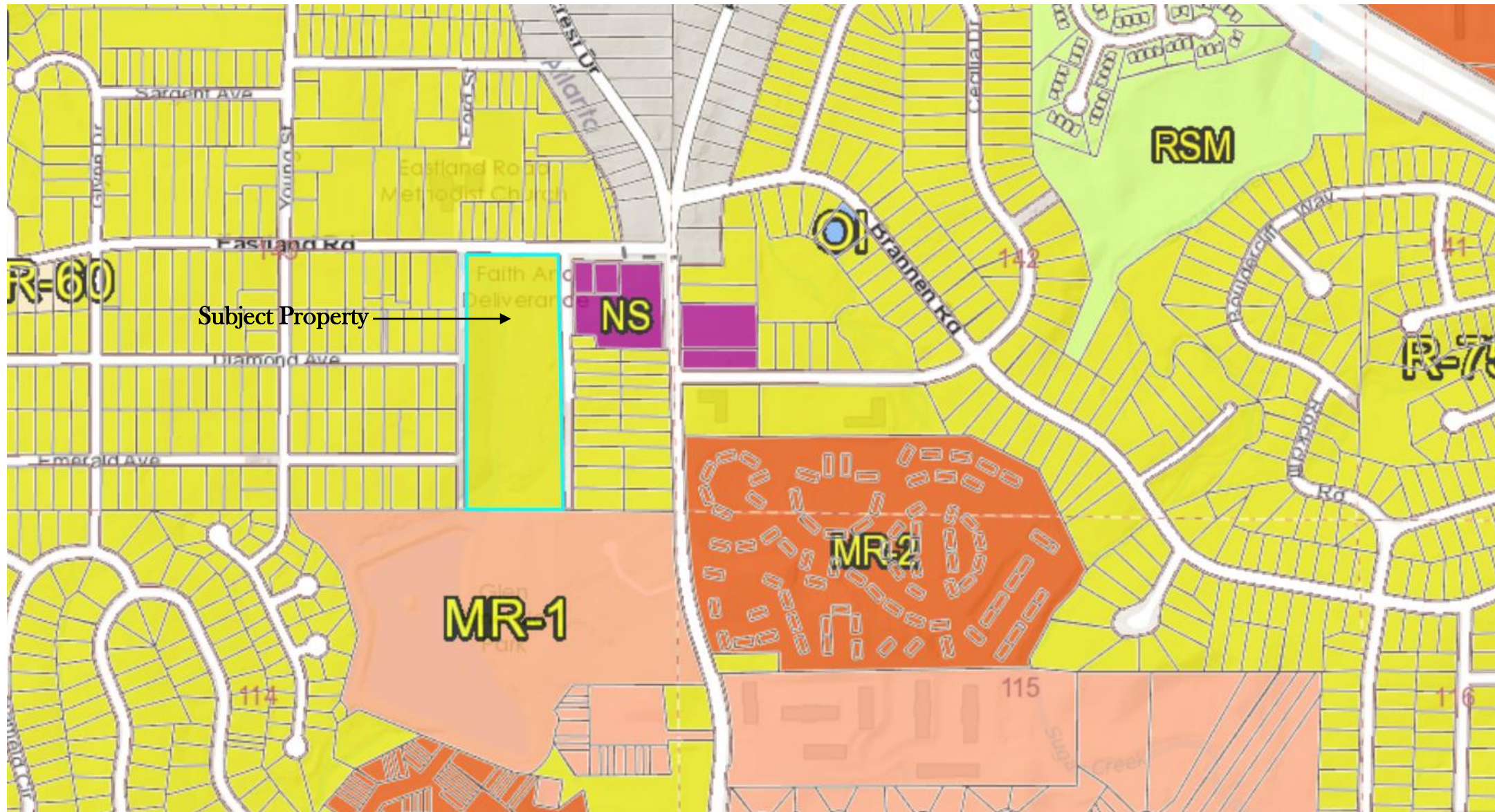
Kenneth J. Wood, P.E., LEED AP
President

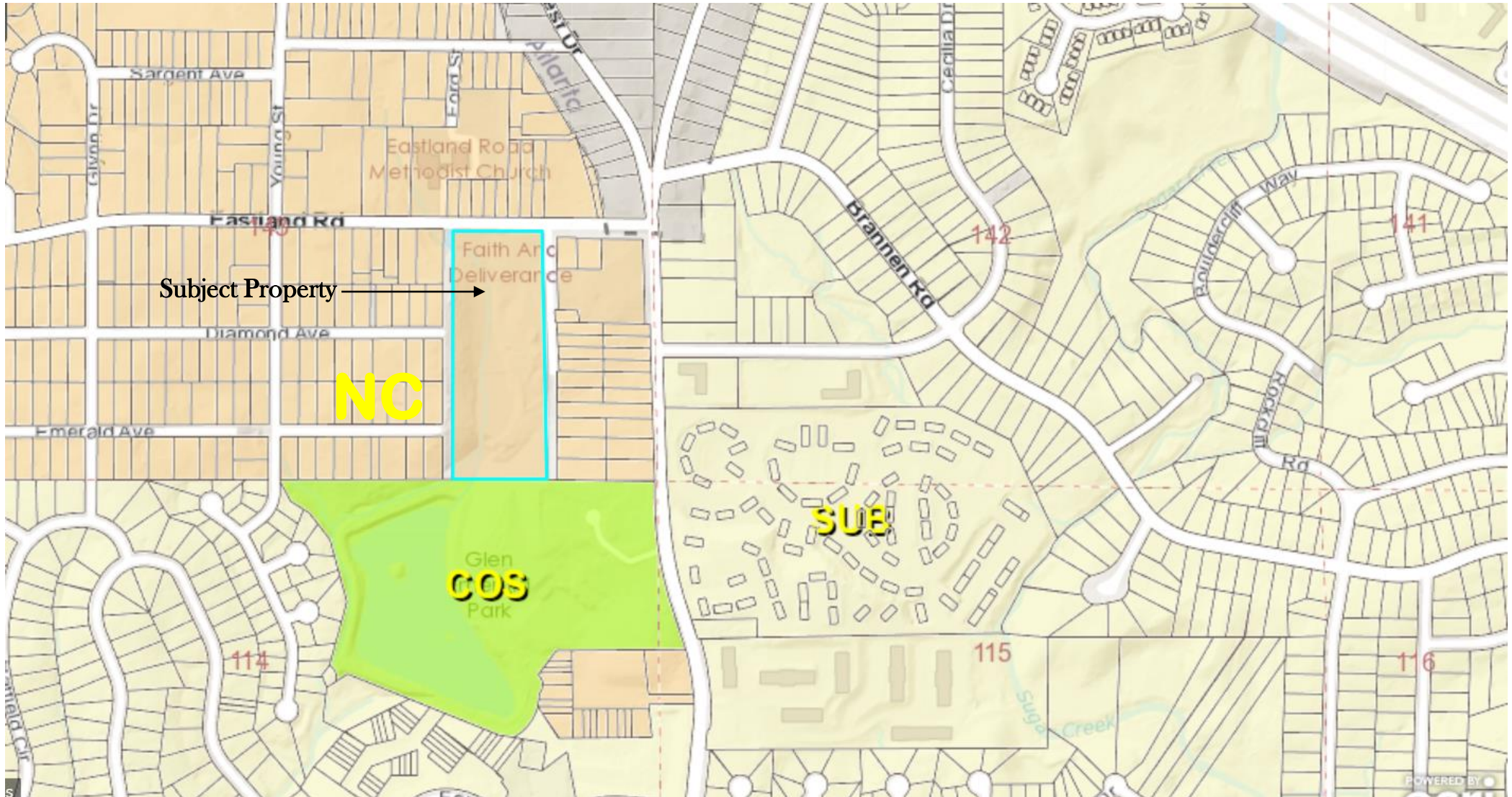
For the Firm

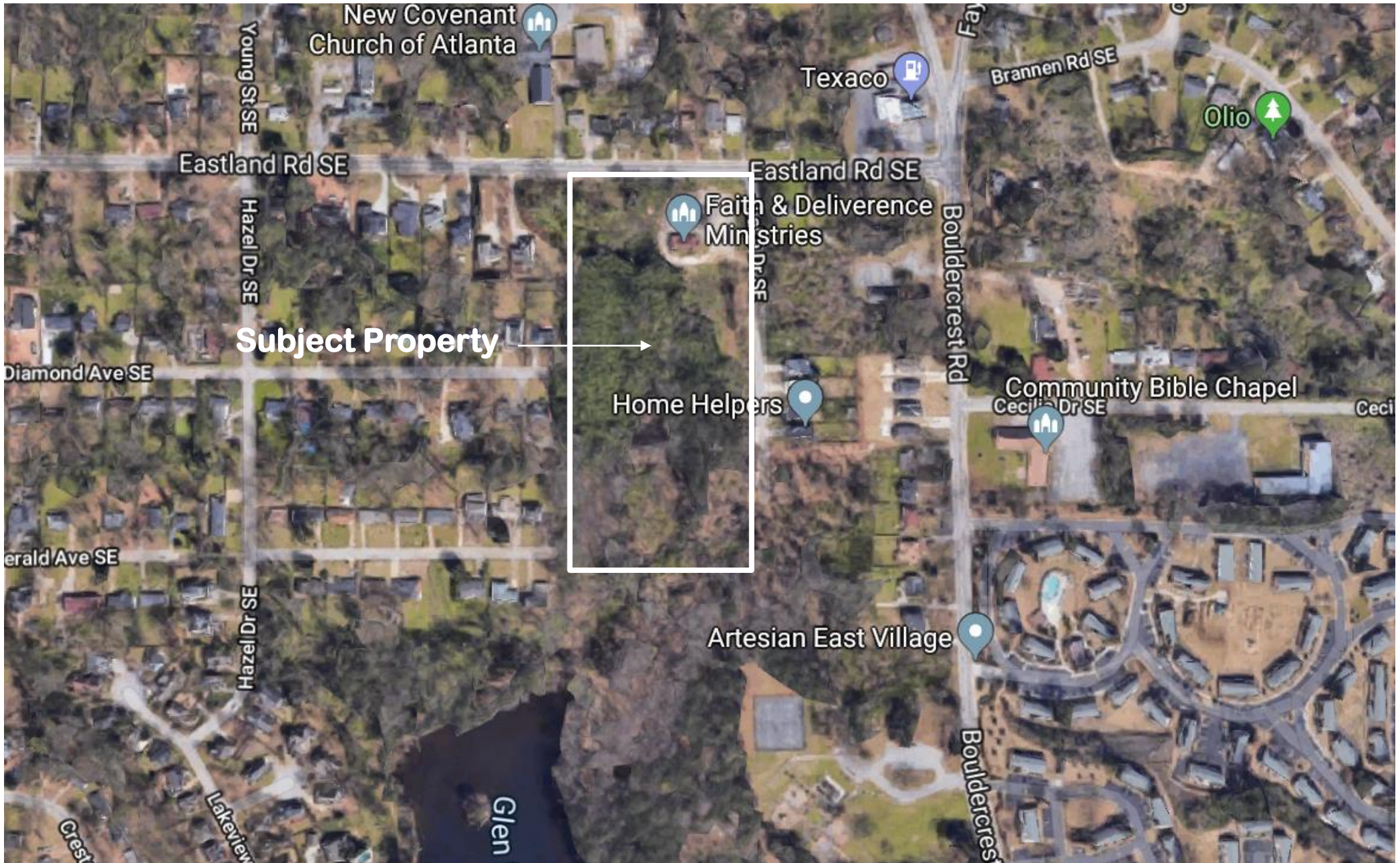
kjw/dp















View from Eastland Road facing subject property



View from Lake Drive facing subject property



View from Lake Drive facing Eastland Road