



DeKalb County Department of Planning & Sustainability

178 Sams Street

Decatur, GA 30030

(404) 371-2155 / www.dekalbcountyga.gov/planning

Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: Tuesday, May 3, 2022, 5:30 PM

Board of Commissioners Hearing Date: Thursday, May 26, 5:30PM

TEXT AMENDMENT ANALYSIS

AGENDA NO.: D3

ZONING CASE NO.: TA-22-1245470

COMMISSION DISTRICTS:

District 1 & Super District 7

APPLICANT: Director of Planning & Sustainability

REQUEST: Application of the Director of Planning & Sustainability for a text amendment to the *Zoning Ordinance* to the regulations of the Northlake Overlay District - Tier 2 to increase the allowed residential density from 30 units per acre to 60 units per acre.

The text amendment under consideration is an application of the Director of Planning & Sustainability for a text amendment to Section 3.35.9(B)(5) the *Zoning Ordinance* to increase the allowed residential density of certain properties with frontage on Parklake Drive from 30 units per acre to 60 units per acre.

REASON FOR REQUEST: The Department of Planning and Sustainability is in receipt of an application for a mixed- use development on a property located at 2175 Parklake Drive, in (Office Park) Tier 2 of the Northlake Overlay District. The proposed density of the development is 54.6 units per acre, whereas Tier 2 of the Northlake Overlay District allows up to 30 units per acre. The increase in residential density afforded by the text amendment would allow the proposed mixed-use development to proceed through the standard, by-right review process for a proposal in the overlay district. In accordance with the procedures of Sec. 27-3.3.1 of the County Code, staff has completed review of the conceptual package and has found no components of the proposed development that are in non-compliance with the basic development standards of the overlay district or the underlying OI (Office Institutional) district. Additional submittals of plans and drawings in the land development and building permitting stage of the review process will clarify compliance with the site design and architectural standards of the overlay district. In addition, staff has noted that the proposed development, with its ground floor workspaces and public gathering area at its front entrance, represents the kind of contemporary multiuse development that appears to be attractive to young professionals, entrepreneurs, and other population cohorts who can bring vitality to otherwise staid and impersonal neighborhoods.

The text amendment is proposed to raise the density of the Tier 2 district located along the west side of Interstate 285 and on both sides of Parklake Drive. The text amendment under consideration does not affect the other Tier 2 districts in the Overlay District. The Tier 2 district located on the west side of Henderson Mill Road opposite the Northlake Mall and opposite the shopping center formerly anchored by the Sports Authority, and the Tier 2 district located on the north side of Lavista Road between Evelyn Street and Ludovie Lane, would remain at the existing density maximum. Instead, the text amendment would apply from the property located at the northwest corner of Parklake Drive and Northlake Drive to the properties located on both sides of Parklake Drive and approximately 500 feet north of LaVista Road.

Two properties within the Tier 2 district under consideration would not be affected by the text amendment because they don't have frontage on Parklake Drive; that is, the properties at 3350 and 3330 Northlake Drive. They would remain at the current maximum density of 30 units per acre. These two properties were developed in 1974 and 1977 and exhibit the design typical of the classic 1970s style suburban office park in the sense that they are one-story multitenant buildings surrounded by parking. In contrast, the properties that would be subject to the text amendment are already used for developments that exceed the current density maximums or that have non-residential intensities that are compatible with the proposed increased density. They are:

- a five-story Hampton Inn hotel;
- two major multifamily residential buildings with four and five stories, densities of 40 and 55 units per acre, and a total of 656 apartment units (Avana City North at 2211 Parklake Drive and Atlas at LaVista Hills at 2200 Parklake Drive);
- a four-story office building occupied by the U.S. Immigration Service.

The text amendment would bring the multifamily residential developments located at 2200 Parklake Drive and 2211 Parklake Drive into compliance with proposed Tier 2 residential density maximum. These developments were constructed before adoption of the overlay district regulations and represent a significant residential presence within the Tier 2 district under discussion.

Some concerns have been raised by residents about the ability of the public infrastructure to support the higher density of new development proposed for the Tier 2 district under discussion. Planning staff has reached out to staff of the Transportation Division of Public Works and the Watershed Management Department for general comments regarding the capacity of the road, water, and sewer systems to accommodate development in the Tier. Public Works Department Transportation Division Staff has confirmed that traffic flow on Parklake Drive and Northlake Drive is relatively free of congestion, even during peak commuting hours. Also, it appears based on the County water and sewer maps that the Northlake Overlay District is adequately served by water and sewer trunk lines, although lines to individual developments and/or private residential properties may be inadequate.

Given an apparent market interest in residential development along Parklake Drive, the opportunity to permit redevelopment of a vacant office building in a manner that would be compatible with its surrounding environment and would add value to the nearby area, the current inconsistency between the density of two major existing residential developments in the Tier and the density maximum established by the existing Tier 2 regulations, an inconsistency that would be corrected by the proposed text amendment, we put forth this proposal for consideration.

RECOMMENDATIONS:

Planning Department: Approval.

Planning Commission: Pending.

Community Council:

April 20, 2022: Approval with the recommendation to limit the exception to properties south of Northlake Parkway.

Feb. 16, 2022: Denial, on the basis that the text amendment to change density is akin to a rezoning and that the mixed-use development proposal should have been vetted by neighbors and the Community Council in a manner similar to that required for a rezoning application. The Community Council also objects to the increase in density because of concerns that it would allow development that would overburden the public infrastructure.

**AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF DEKALB COUNTY,
GEORGIA, AND FOR OTHER PURPOSES.**

WHEREAS, the Board of Commissioners is authorized to exercise zoning powers to protect and promote the County's health, safety, and general welfare;

WHEREAS, the zoning ordinance establishes the Northlake Overlay District to enhance the long-term economic viability of a certain portion of DeKalb County by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of DeKalb County;

WHEREAS, One of the purposes of the Northlake Overlay District is to establish and maintain a balanced relationship between industrial, commercial, and residential development to ensure a stable and healthy tax base in DeKalb County;

WHEREAS, the Board of Commissioners desires to allow higher density development for the properties with frontage on Parklake Drive that the maximum of 30 units per acre that is currently allowed;

NOW THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, and be it hereby ordained by the Authority of same, that Chapter 27 of the Code of DeKalb County, as revised in 2015, is hereby amended as follows.

PART I. ENACTMENT

Section 3.35.9(B) shall be amended as follows:

5. *Density*. The maximum density for residential uses shall be thirty (30) dwelling units per acre, **with the exception of properties that front along a section of Parklake Drive located south of Northlake Parkway and north of Lavista Road as shown on the attached Subject Area map, which shall be up to sixty (60) dwelling units per acre.** No development within the Tier 2 development category shall exceed a floor area ratio (FAR) of one and one-half (1.5), unless it additional public space or other amenities singly or in combination as provided below:

a. *Bonus density*. The maximum allowable floor area ratio (FAR) of a building or development in a Tier 2 zone shall be increased to a floor area ratio (FAR) not to exceed a total of three and one-half (3.50) in exchange for one or more of the additional amenities provided in the table below:

PART II. EFFECTIVE DATE

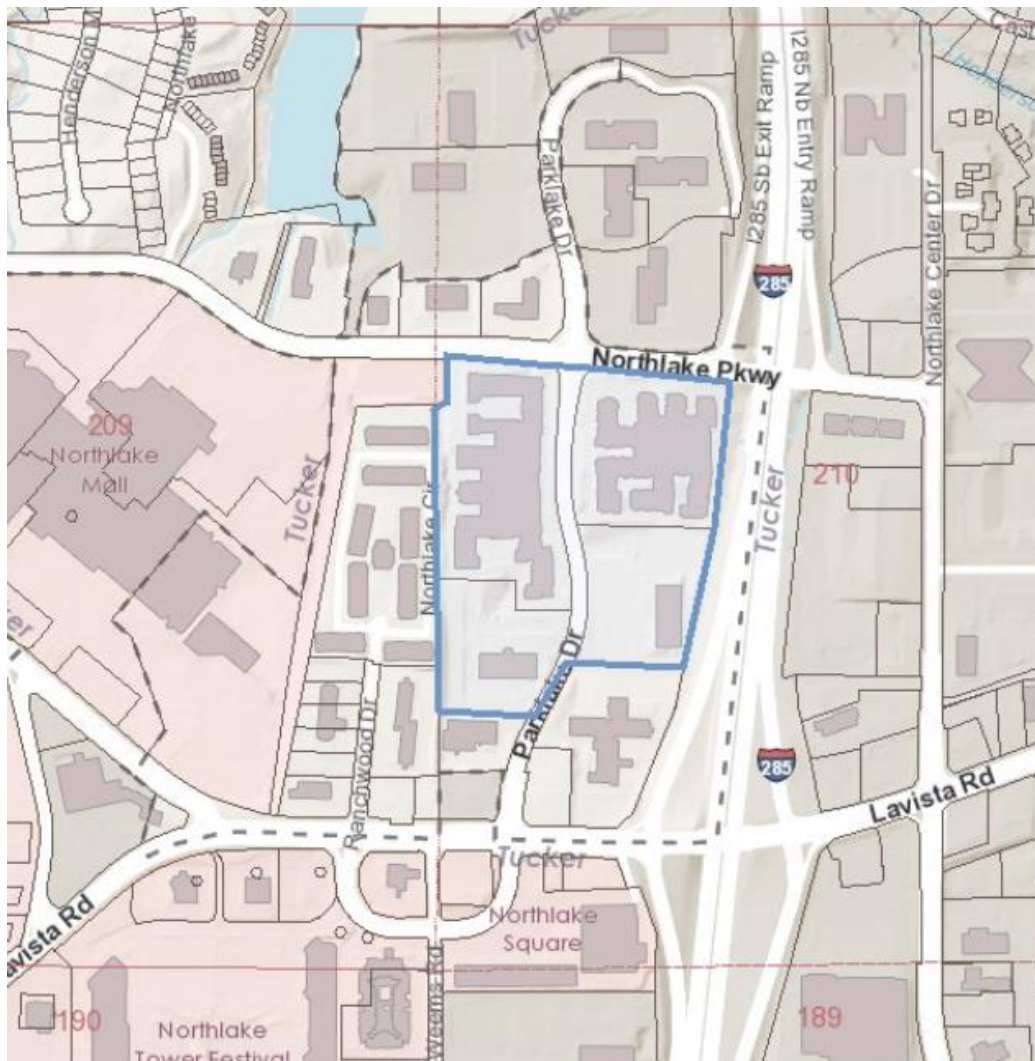
This ordinance shall become effective immediately on the date of adoption by the board of commissioners and approval by the chief executive officer.

PART III. SEVERABILITY

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole nor any part thereof other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

TA-22-1245470

Subject Area



ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2022.

ROBERT J. PATRICK
Presiding Officer
Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2022

MICHAEL L. THURMOND
Chief Executive Officer DeKalb County, Georgia

ATTEST:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer

DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

ANDREW A. BAKER
Director of Planning and Sustainability

APPROVED AS TO FORM:

VIVIANE H. ERNSTES

From: Tom Ulbricht <tculbr@gmail.com>

Sent: Wednesday, March 9, 2022 1:01 PM

To: rjpatrick@dekalbcountyga.gov; Rader, Jeff <jrader@dekalbcountyga.gov>; Johnson, Larry L. <larryjohnson@dekalbcountyga.gov>; Bradshaw, Stephen R. <SRBradshaw@dekalbcountyga.gov>; Johnson, Mereda D. <mdjohnson@dekalbcountyga.gov>; Ted Terry <ecterry@dekalbcountyga.gov>; Cochran-Johnson, Lorraine <LCJohnson@dekalbcountyga.gov>; Baker, Andrew <aabaker@dekalbcountyga.gov>

Cc: Anne Lerner <ALerner@tuckerga.gov>; Matthew Lee <mlee@tuckernorthlake.com>; Penn Hastings <pennhastings@yahoo.com>; Yoganathan, Ajit <ajit.yoganathan@bme.gatech.edu>; Kathy Kenney <kskenney@gmail.com>; Lewis Gleason <Gleason3@bellsouth.net>; George Wellborn <georgewellborn@att.net>

Subject: Proposal to approve a text amendment: TA22-12454-70

Chairman, Commissioners and Mr. Baker,

I wish to bring to your attention that the above noted Text Amendment to the Northlake Overlay Ordinance is extraordinarily outside the acceptable method of changing, in fact doubling, the allowable density for an apartment project as governed by the adopted ordinance. The project, located on Parklake Drive, is in a Tier 2 zone allowing 30 units per acre and this project would, if the TA is approved by you, would jump that allowed density to 60 u/acre. This is being done without public input and would set an incredibly bad precedent for all Overlay districts that have gone through years of public involvement and professional planning/zoning experience to create them. A Text Amendment would instantly make the density for apartments in our Tier 2 almost comparable with our high density Tier 1 developments. The appropriate way to change this density is to change this property, and possibly some adjacent, to Tier 1. That requires an amendment to the whole Overlay Ordinance or a rezoning going through a public involvement process. Overlay ordinances are meant to speed up development approvals **IF** the development meets all of the requirements of the ordinance. Text Amendments are not meant for changing density!

I and my neighbors implore you to re-direct this to an appropriate method of changing the density on this property, which we think is very high for this location. Thanks for your consideration of our request.

--

Tom C. Ulbricht

From: L High <lesdhgh@gmail.com>

Sent: Thursday, March 3, 2022 4:46 PM

To: Public Hearing <PublicHearing@dekalbcountyga.gov>; Plansustain <plansustain@dekalbcountyga.gov>

Subject: Item N12, March 3, 2022 Planning Commission agenda

As a homeowner in Northlake I am writing to request denial of the proposed text amendment to the Northlake overlay. The amendment proposes a change in selected Tier 2 properties to allow an increase in density from 30 to 60 units per acre.

Fifteen homeowners from my community attended the Community Council meeting to express their opposition to this change. The Community council unanimously recommended denial.

Our objections include the following:

1. The proposed change covers only five properties in Tier 2 along Parklake Drive. No explanation was given for the selection of these properties which include two major apartment complexes, a hotel, a building used by the federal government and one empty building formerly occupied by Kroger. None of the buildings except the Kroger property are considering redevelopment at this time. There was no explanation offered as to why these specific properties were included when only one is seeking redevelopment. Two other Tier 2 parcels contiguous to the Hampton Inn were excluded from the "affected" properties, without explanation. These are the only other Tier 2 properties in the immediate area and they were not included in the proposed change? How does increased density improve the quality of life in Northlake? Tucker allows a density of 24 units per acre in this area. Why would DeKalb propose 60? Neither of the existing apartment building on Parklake reach the proposed density.
2. If other apartment complexes in the immediate area do not have the density proposed why would the Kroger property be singled out for favorable treatment in this unusual way?
3. If the proposed text amendment is approved, the public is closed out of the development process contrary to current practice. No explanation was provided yet it emerged during the Community Council meeting that the Planning

department had already received a development proposal for that property. No explanation was provided for why that proposal should not follow the customary public review process.

4. The proposed development does not improve the Northlake area. Traffic already is a consideration at the intersection with LaVista. Cars back up at the light during busy hours. Vehicles attempt to exit the gas station crossing Parklake toward Northlake Parkway where visibility is blocked by the landscape island at LaVista. Other vehicles enter and exit the federal building in some volume when immigration proceedings are taking place. Other vehicles attempt to exit the Bank of America and the Doubletree toward LaVista causing traffic congestion. Increasing traffic from a high density complex would not improve this situation.
5. Has any consideration been given to sewer capacity? As owners of North Lake we have already had pollution in our lake from DeKalb sewer line breaks. We also experience problems from runoff and trash flowing into the lake through the storm drains.
6. The overlay was created with public input and professional planning. Why should an isolated, ad hoc change be approved with next to no public notice or awareness, only to benefit one developer and one property owner? This process feels like a blatant attempt to green light a favored project and avoid public review.

Please note that this item designated as N12 on the agenda, is located on the agenda map somewhere below I-20, not remotely near Northlake and Tucker.

Thank you for considering these concerns.

Lesley High
Homeowner, Northlake Condominium

From: Stephanie Babbitt <sbabbitt@bellsouth.net>

Sent: Thursday, March 3, 2022 4:43 PM

To: Plansustain <plansustain@dekalbcountyga.gov>; Patrick, Robert J. <rjpatrick@dekalbcountyga.gov>; Rader, Jeff <jrader@dekalbcountyga.gov>

Subject: Planning Commission: Northlake Overlay Text Amendment

**** WARNING:** The sender of this email could not be validated and may not match the person in the "From" field.

My name is Stephanie Babbitt. I live at 2899 Greenwillow Drive, which is literally on the border of Districts 1 and 2. (I'm in 1; most of my neighborhood association is in 2). I have just learned today that the Planning Commission intends to vote at tonight's meeting to adopt a text amendment to the zoning ordinance for the Northlake Overlay District that will double the allowed residential density for the area. I am not only vehemently opposed to this; I am greatly disturbed that it's even allowable for the Planning Commission to implement without a hearing what amounts to a significant rezoning.

I strongly encourage Commissioners Patrick and Rader to direct their appointed Planning Commissioners to reconsider this "text amendment" and to put this proposed increase in density through the proper zoning channels. The Northlake Community Alliance presented the Northlake Overlay after considerable

investment of time and research. It's exceptionally bad government for the Commission to overstep the efforts of the affected businesses and neighborhoods to control their own destiny and environment.

Stephanie Babbitt
2899 Greenwillow Drive, NE
sbabbitt@bellsouth.net

From: Debbie & Jud Miller <judndeb@bellsouth.net>
Sent: Thursday, March 3, 2022 7:22 AM
To: Plansustain <plansustain@dekalbcountyga.gov>
Cc: Matthew Lee <mlee@tuckernorthlake.com>
Subject: Northlake Overlay - Text Amendment

**** WARNING:** The sender of this email could not be validated and may not match the person in the "From" field.

I am opposed to using a Text Amendment to **double density** in the Northlake Overlay along Park Lake Drive.

I ask that you deny this request.

The Overlay was put in place by the residents and the commercial property owners in Northlake for a reason and it should not be altered for one street or one (Kroger ?) property owner. This wrecks of corruption and shady dealing and only adds to the distrust citizens feel for our county Planning & Development Department.

Debbie Miller

2978 McCully Drive
ATL, GA 30345

Randolph Estates

A neighborhood of single family homes that abuts the commercial district to the west who looks forward to redevelopment done properly and through the proper channels.

Brandon;

As a note. Tom Ulbricht and George Wellborn are the technical advisors to the community concerning the Northlake Overlay. They drafted the technical aspects of the document. For any development in the Northlake Overlay, the Tucker Civic Association is charged to vet the application with the community (Public information meetings, etc.) and Tom and George weigh in on a technical level with a view to the larger Overlay plan.

I am forwarding you Tom's and George's response to the TA for the Northlake Overlay. Please pass this along with your package/report on the Community Council vote.

Bruce Penn

Penn, Hastings & Associates
4228 First Avenue
Suite 7
Tucker, Georgia 30084

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----- Forwarded Message -----

From: Tom Ulbricht <tculbr@gmail.com>

To: Penn Hastings <pennhastings@yahoo.com>

Cc: charlton Allen <allenfirm@mindspring.com>; Honey Van De Kreke <honeyv@elrepsales.com>; Bob Espy <respy49779@aol.com>; George Wellborn <georgewellborn@att.net>; Anne Lerner <alerner@tuckerga.gov>

Sent: Friday, February 25, 2022, 01:16:18 PM EST

Subject: Re: TA-22-1245470; Tier 1 proposed changes in Northlake Overlay

Penn, I have consulted with George Wellborn and we feel that 60 u/a is too high for Tier 2 properties. Additionally, the text amendment doesn't specify what properties are involved, though the map does show them. The text basically implies that all properties on Parklake Drive could have 60 u/a. We absolutely don't agree with that. Why are the Hampton Inn property and the two existing apartment complexes at the corner of Parklake and Northlake Pkwy involved in this? They are relatively new. My understanding was that the site of the Kroger Regional office is to be redeveloped, so I see no need to include the other properties in this. We are concerned about over "apartmentizing" this area when the Overlay Ordinance gives reasonable ratios of Commercial, Office and

Multifamily development in order to maintain a reasonable balance of uses. I understand that these are goals, not laws. However, allowing apartments at 60 u/a is twice the density allowed. We, therefore, feel that such substantial changes should be brought back to the public for input as this is not just a text amendment.

On Thu, Feb 24, 2022 at 12:18 PM Penn Hastings <pennhastings@yahoo.com> wrote:
Tom;

This is a proposed change to (only a portion of) the Tier 1 designation in the Northlake Overlay. This property is in unincorporated DeKalb County and is going through the County vetting process.

If you would be so kind, can you review the application for the change and give me your thoughts and feedback? This proposed change is for one specific project and by going through the Text Amendment route, public notification is not required.

Thanks!!!

Bruce Penn

Penn, Hastings & Associates
4228 First Avenue
Suite 7
Tucker, Georgia 30084

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Tom C. Ulbricht
