



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

**(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: September 6, 2018, 6:30 P.M.**

**Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** 2018-2105/ Z-18-22313      **Agenda #:** N.8

**Location/Address:** The west side of Columbia Drive approximately 357 feet north of Santa Monica Drive at 1473 Columbia Drive, Decatur, Georgia.      **Commission District: 3 Super District: 7**

**Parcel ID:** 15-186-01-004

**Request:** To rezone property from R-75 (Residential Medium Lot) District to MR-2 (Medium Density Residential 2) District to allow for construction of twenty-five (25) single-family attached fee-simple townhomes in accordance with Section 27-4.1 of the DeKalb County Code.

**Property Owners:** Aaron & Laura Pettiford

**Applicant/Agent:** Grandview Residential, LLC/ Battle Law P.C.

**Acreage:** 2.366 Acres

**Existing Land Use:** Single-Family Residence

**Surrounding Properties:** Lauren Parc Townhomes & Single-Family detached residences

**Adjacent & Surrounding Zoning:** North, South, East & West: R-75 (Residential Medium Lot) District  
Further North & West: MR-2 (Medium Density-Residential-2) District  
Further North: C-1 & C-2 (Commercial) District

**Comprehensive Plan:** Suburban      Consistent X

<b>Proposed Units:</b> 18	<b>Existing:</b> 1
<b>Proposed Lot Coverage:</b> < 35% Per Lot	<b>Existing Lot Coverage:</b> N/A

## **SUBJECT PROPERTY & ZONING HISTORY:**

The 2.36-acre site is located south of Memorial Drive along the west side of Columbia Drive (a four-lane minor arterial) at 1473 Columbia Drive, Decatur, Georgia. The site consists of a single-family residence with dense mature trees and shrubbery in the rear of the property. The site has been zoned R-75 (Residential Medium Lot) District since the initial 1956 DeKalb County Zoning Ordinance. Adjacent and surrounding land uses include medium-lot single-family detached residences and Lauren Parc Townhomes. Further north along Columbia Drive is a retail shopping area.

## **PROJECT ANALYSIS:**

Per the submitted application, the applicant is requesting to rezone the property from R-75 (Residential Medium Lot) District to the MR-2 (Medium Density Residential 2) District to develop twenty-five (25) fee simple attached single-family residences at a density of 4 units per acre.

Per the submitted Letter-of-Intent, the site will include 41% enhanced open space, including a community greenspace and dog park area. This exceeds the minimum enhanced open space to achieve the desired density. Additionally, each unit shall have a two-car garage with access from an alley, together with guest parking. Internal connectivity is displayed using crosswalks and pedestrian paths within the site. Access to the site is depicted via one (1) curb-cut from Columbia Drive. Landscaping and street lights are shown along the property frontage. Fencing is depicted along the perimeter property lines.

## **ZONING ANALYSIS:**

The R-75 (Residential Medium Lot) District allows single-family detached residences on minimum 10,000 square foot lots. The MR-2 (Medium Density Residential-2) District allows single-family attached residences on 1,000 square foot lots at a density from 12 to 24 units per acre.

Adjacent and nearby property developed, and zoned MR-2 District support the rezoning request on the subject site. Lauren Parc Townhomes was approved for condominium units in 2004 pursuant to CZ-02044 by the DeKalb County Commissioners. Further north is C-1 and C-2 (Commercial) zoned properties. The proposed MR-2 District would serve as a transitional zoning district to the established single-family detached residences south of the site. Given the irregular shaped lot, only seven (7) of the proposed townhomes will front along Columbia Drive. Therefore, the existing residential character of the area will not experience a significant change along that area of Columbia Drive or have a negative impact on surrounding residential properties. Therefore, the zoning analysis concludes that the proposed MR-2 District would be appropriate for the subject site.

## **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:**

Should the land plan amendment (LP-18-1235089) be approved for TC (Town Center), the site would be consistent with the following 2035 comprehensive plan policies and strategies: Protect and enhance the integrity and quality of existing residential neighborhoods; Create pedestrian scale communities

that focus on the relationship between the street, buildings, streetscaping and people; and improve street character with consistent signage, lighting, landscaping and other design features.

**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 MR-2 (Medium Density Residential-2) District for single-family attached residences is suitable given the adjacent Lauren Parc townhome development west and north of the site and appropriate design transitions to lower density to single-family residences to the south.

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

The property as currently zoned R-75 (Residential Medium Lot) District for single-family detached residences limits the number of residential dwellings with minimum 10,000 square foot lots. The proposed rezoning to the MR-2 (Medium Density Residential -2) District allows a higher unit yield for a variety of single-family housing options.

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

The rezoning request to the MR-2 (Medium Density Residential-2) District for single-family attached residences should not adversely affect the use or usability of adjacent properties with proper design for transition.

**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:**

Given the existing irregular shaped lot and conceptual site design with enhanced open space, trees and vegetation along perimeter property lines, it appears that the proposed use for townhome development should not have any negative impact on nearby residential properties. If the Land Plan Amendment is approved, the proposed rezoning provides design intended at edge of Town Center to transition to lower density from C-1 (Commercial) zoning west of the site.

**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 MR-2 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 request for twenty-five (25) attached residential townhome units should not cause an excessive burden on existing streets, transportation facilities and utilities. Columbia Drive, a four-lane minor arterial should be able to absorb the impact of an additional 25 residences. The proposed use is likely to

generate 6 students in area schools: 2 students at Peachcrest ES, 1 student at Bethune MS, 1 student at Towers HS and 2 students at another DCSD school. The impact of 6 additional students will be low.

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

The request for residential zoning on the site should not adversely impact the environment or surrounding natural resources. However, the applicant should submit for sketch plat approval to establish tree preservation standards, storm water management and emergency vehicle access.

**COMPLIANCE WITH MR-2 (MEDIUM DENSITY RESIDENTIAL-2) DISTRICT STANDARDS PER TABLE 2.4:**  
**Medium and High Density-Residential Zoning Districts**

STANDARD	REQUIREMENT	PROPOSED	COMPLIANCE
UNIT SIZE	Min. 1,000 Square Ft	1,000 Heated Floor Area	Yes
FRONT SETBACKS	Min. 10 Feet	Min. 10 Feet	Yes
	Max. 20 Feet	Max. 20 Feet	Yes
REAR SETBACKS	Min. 15 Feet	15 Feet	Yes
REAR WITH ALLEY	10 Feet	10 Feet	Yes
LOT WIDTH	20 Feet	20 Feet	Yes
HEIGHT	Max. 3 Stories or 45 Feet	45 Feet	Yes
LOT COVERAGE	Max. 85%	Max 73 %	Yes
OPEN SPACE	Min. 20% based Min. 35% bonus	41% Enhanced Open Space	Yes
PARKING	Min. (1.5) space per dwelling unit, plus (.25) space for guest parking = 44 required spaces	1-car garage & 1 driveway space per unit = 25 spaces plus 19 guest parking spaces for a total of 44 spaces	Yes

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

The proposed rezoning request from R-75 (Medium Lot Residential) District to MR-2 (Medium-Density Residential - 2) District is compatible with adjacent Lauren Parc townhomes north and west of the subject site. If Land Plan Amendment LP-18-1235089 is approved for Town Center as requested by the applicant, the request for single-family attached residences is consistent with the following 2035 Comprehensive Plan Policies: Protect and enhance the integrity and quality of existing residential neighborhoods; Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people; and improve street character with consistent signage, lighting, landscaping and other design features.

Therefore, it is the recommendation of the Planning and Sustainability Department that the application be **“Approved”** subject to Staff’s recommended conditions:

1. The development shall have a maximum of 25 attached fee-simple townhouse units. Conceptual layout of site plan and building design shall be subject to approval of the Director of Planning & Sustainability Department.
2. No more than one (1) curb cut on Columbia Drive. Vehicular ingress and egress shall be subject to approval by the DeKalb County Department of Public Works, Transportation Division.
3. Provide a staggered double row of evergreen trees or shrubs 10 feet on center adjacent to R-75 (Residential Medium Lot) District zoned property lines.
4. A mandatory homeowners’ association shall be created and shall be governed by a declaration of covenants, conditions, and restrictions. The homeowner association shall be responsible for the maintenance of open space within the property, street lighting, amenity areas, pedestrian paths, private alleys and private drives.
5. The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.
6. Private drives and alleys subject to the requirements of the DeKalb County Fire Marshall.
7. Final lot layout is subject to sketch plat approval in accordance with DeKalb County Ordinances, Chapter 27 (Zoning Code) & Chapter 14 (Land Development Code) before applying for a Land Disturbance Permit (LDP).

**Attachments:**

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

## NEXT STEPS

*Following an approval of this request, one or several of the following may be required:*

- **Land Disturbance Permit** (Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)
- **Building Permit** (New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)
- **Certificate of Occupancy** (Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)
- **Plat Approval** (Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)
- **Sketch Plat & Final Plat Approval** (Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)
- **Overlay Review** (Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)
- **Historic Preservation** (A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)
- **Variance** (Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)
- **Minor Modification** (Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)
- **Major Modification** (Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)
- **Business License** (Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).
- **Alcohol License** (Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)

**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**

## SEPTEMBER 2018 REZONING AGENDA – TRANSPORTATION COMMENTS

N1. Lawrenceville Hwy is a major arterial on a state route. Dedicate right of way at least 50 from centerline. Install sidewalks along property frontage (ensure sidewalks are within right of way). GDOT review and permits required. Street lights required 1 foot behind sidewalks on right of way.

N2. Clairmont Road is a major arterial on a state route. Dedicate right of way at least 50 from centerline. GDOT review and permits required.

N3. Briarcliff Road is a minor arterial and state route. GDOT review and permits required. No access allowed onto Briarcliff Road.

N4. No Comments.

N5. No Comments.

N6. No Comments.

N7. No Comments.

N8 & N9. Columbia Drive is a minor arterial. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) 40 feet right of way dedication from centerline. 6-foot sidewalks, 4-foot bike lanes. Street lights behind the sidewalk within right of way. As shown in the application, interior roads must be private.

N10. Candler Road is a major arterial and a state route. GDOT review and permits required. Kelly Lake Road is a local road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) Right of way dedication of 50 from centerline on Candler Road, 6-foot sidewalks. Right of way dedication on Kelly Lake Road 27.5 feet from centerline, 5-foot sidewalks. Extend sidewalks along Kelly Lake Road within existing right of way to Candler Road. Street Lights required on back of sidewalk within right of way along both frontages. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect.)

N11. Treadway Road is classified local. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) Public local roads require a 27.5 foot right of way from the centerline (for a total of 55 feet), 5-foot sidewalks, 5-foot landscape strip and street lights within the right of way. The right of way width show on the application does not seem to meet the 55 feet for the interior streets. Cul-de-sac appears to be substandard also. These will need to be corrected prior to permitting and will impact storm detention, setbacks, etc.

N12. McClendon is a collector street. Allow only one standard size commercial curb cut on McClendon Dr. Install sidewalks along property frontage. Street lights required behind sidewalk within right of way at permitting.

N13. Memorial Drive is a major arterial and a state route. GDOT review and permits required.

N14. Memorial Drive is a major arterial and a state route. GDOT review and permits required. Eliminate a curb cut on 6158 and restore streetscape.

N15. Snapfinger Road is a major arterial. Site limited to right in/right out access point.

N16. Rockbridge Road is a minor arterial. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) 40 feet right of way dedication from centerline. 6-foot sidewalks, 4-foot bike lanes. Street lights behind the sidewalk within right of way. Construct sidewalks along Rockbridge Road to Allgood Circle within right of way. Limited to one access point onto Rockbridge Road.

N17. Bermuda Road is a collector road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) 35 feet right of way dedication from centerline. 6-foot sidewalks, 4-foot bike lanes. Street lights behind the sidewalk within right of way. Add roundabout at the intersection of Stewart Mill Road and Bermuda Road. Gordon Burkett at Keep DeKalb Beautiful is working on the concept for this project. Add sidewalks and street lights along Bermuda Road (within right of way) to the intersection of Stewart Mill Road. Complete all requirements of GRTA's notice of decision that are within DeKalb County. Design to restrict truck movements from using Stewart Mill Road to get to Rockbridge Road.

N18. Norris Lake is a collector road. Pleasant Hill is a minor arterial. Pleasant Hill Way is a local road. Pleasant Hill Way appears to be public in some areas where the development is proposed. I assume they are planning a right of way abandonment. Provide ped/bike access from the neighborhood into the park, as approved by the Parks and Recreation Department. Frontage on Pleasant Hill Way must be improved to Code also. 339 lots requires a traffic study be completed prior to zoning. Traffic study should include the access points and the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Left turn lane required on Pleasant Hill Road. Add sidewalks along frontage of Norris Lake Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Add sidewalks along frontage of Pleasant Hill Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Consider moving the roundabout to Pleasant Hill Road. **Request deferral until the study is received.** Norris Lake requires right of way dedication of 35' from centerline, 6-foot sidewalks, 4-foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Road requires right of way dedication of 40' from centerline, 6-foot sidewalks, 4-foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Way right of way dedication of 27.5' from centerline, 12-foot travel lane on the development side from centerline, 5 foot sidewalks and street light on back of curb within the proposed right of way.

N19. No Comments.



N20 & N21. Rock Chapel Road is a major arterial and state route. GDOT review and permits required at permitting. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.)

N22. S. Stone Mountain Lithonia Road is a minor arterial. Add sidewalks and street lights behind sidewalks and within right of way along property frontage and dedicate 40 feet of right of way from centerline.

N23. Stephenson Road is a collector road. Dedicate 35 feet of right of way from centerline, add sidewalks and street lights behind sidewalks and within right of way.

N24. Briarcliff Road is a minor arterial and a state route. GDOT has already permitted the right in only driveway. The right-out driveway was probably not allowed due to restricted sight distance when exiting due to the curve (trying to verify with GDOT). No other comments.



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

### DEVELOPMENT ANALYSIS:

- **Transportation/Access/Row**

Consult the Georgia DOT as well as the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. The site is a stormwater hotspot.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was not indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was not reflected in the G.I.S. records for the site. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

**DeKalb County School District  
Zoning Review Comments**

Analysis Date: 8/10/2018

**Submitted to:** Dekalb County

**Case #:** Z-18-22313

**Name of Development:** Columbia Drive Townhomes

**Parcel #:** 18-186-01-004

**Location:** Columbia Drive near Santa Monica Drive

**Description:** Currently 1 single-family property developed into a 25 unit townhome community.

**Impact of Development:** If approved, this development would be expected to generate 6 students: 2 student at Peachcrest ES, 1 student at Bethune MS, 1 student at Towers HS and 2 student at another DCSD school. The impact of 6 additional students will be low.

Current Condition of Schools	Peachcrest			Other DCSD Schools	Private Schools	Total
	ES	Bethune MS	Towers HS			
Capacity	1,086	1,350	1,299			
Portables	0	0	10			
Enrollment (Fcst. Oct. 2018)	953	870	947			
Seats Available	133	480	352			
Utilization (%)	87.8%	64.4%	72.9%			
<b>New students from development</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>6</b>

New Enrollment	955	871	948
New Seats Available	131	479	351
New Utilization	87.9%	64.5%	73.0%

Yield Rates	Attend Home	Attend other	Private	Total
	School	DCSD School	School	
Elementary	0.095519	0.049528	0.004717	0.149764
Middle	0.031840	0.008255	0.001179	0.041274
High	0.029481	0.017689	0.001179	0.048349
<b>Total</b>	<b>0.1568</b>	<b>0.0755</b>	<b>0.0071</b>	<b>0.2394</b>
<b>Student Calculations</b>				
<b>Proposed Units</b>	25			
<b>Unit Type</b>	TH			
<b>Cluster</b>	Towers			
Units x Yield	Attend Home	Attend other	Private	Total
	School	DCSD School	School	
Elementary	2.39	1.24	0.12	3.75
Middle	0.80	0.21	0.03	1.04
High	0.74	0.44	0.03	1.21
<b>Total</b>	<b>3.93</b>	<b>1.89</b>	<b>0.18</b>	<b>6.00</b>
Anticipated Students	Attend Home	Attend other	Private	Total
	School	DCSD School	School	
Peachcrest ES	2	1	0	3
Bethune MS	1	0	0	1
Towers HS	1	1	0	2
<b>Total</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>6</b>



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

## COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-16-22313 Parcel I.D. #: 15-186-01-004

Address: 1473  
Columbia Dr  
Decatur, GA

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) 6/7<sup>TH</sup> 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:

<u>Plan &amp; field reviewed. No problem that would interrupt traffic.</u>

Signature: [Signature]

DeKalb County Department of Planning & Sustainability

Michael L. Thurmond  
Chief Executive Officer

Andrew A. Baker, AICP  
Director

RECEIVED

JUL 05 P.M.

AMENDED AND RESTATED  
APPLICATION TO AMEND OFFICIAL ZONING MAP  
OF DEKALB COUNTY, GEORGIA

RECEIVED  
MAY 03 2018  
By \_\_\_\_\_ Date Received: \_\_\_\_\_

Z/CZ No. 2-18-22313  
Filing Fee: \_\_\_\_\_

Application No.: \_\_\_\_\_

Applicant: Grandview Residential, LLC c/o Battle Law, P.C. E-Mail: mlb@battlelawpc.com

Applicant Mailing Address:  
One West Court Square, Suite 750, Decatur, GA 30030

Applicant Phone: (404) 601-7616 Fax: \_\_\_\_\_

Owner(s): Aaron and Laura Pettiford E-Mail: LAURAPET@gmail.com  
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address:  
5277 Rosser Road, Stone Mountain, GA 30087

Owner(s) Phone: 770-934-5705 Fax: \_\_\_\_\_

Address/Location of Subject Property: 1473 Columbia Drive, Decatur, GA

District(s): 15 Land Lot(s): 186 Block: 01 Parcel(s): 004

Acreage: 2.366 Commission District(s): \_\_\_\_\_

Present Zoning Category: R-75 Proposed Zoning Category: BSMX MR-2

Present Land Use Category: Suburban

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]

SIGNATURE OF APPLICANT / DATE

Check One: Owner  Agent



**SIGN IN SHEET**

**Property Address: 1473 Columbia Drive Decatur, GA 30032**

**REZONING COMMUNITY MEETING**

**Location: 1473 Columbia Drive, Decatur GA**

**Monday, July 2, 2018 6:30 PM – 7:30 PM**

*Please print legibly*

First Name	Last Name	Address	City, State	Zip Code	Phone Number	Email Address
MAX + Michele	GARCIA	3026 Lauren Parc.	Decatur GA	30032	770 905 6991	
Jessica	Kyle	3022 Lauren Parc	Decatur, GA	30032	904.377. 4067	
Tammy	Hoffman	3028 Lauren Parc	"	"	404.807.7950 ✓	
David	Robinson	3073 Lauren Parc	Decatur	30032	(770)317-2939	
Jon	Kuhler	3070 "	"	"	404-821-0017	
MIKE	INGULIS	1448 Columbia DR	Decatur	30032 GA	914 299 3353	
Rosalyn	Scott	1460 Columbia Drive	Decatur	30032	678 431-5888	
Katie	McFaul	3020 Lauren Parc	Decatur	6"		kmcfaul@yahoo.com
Michele	Blown	3086 Lauren Parc	Decatur	30032	678 513-0286	mickyshel/35 @yahoo.com,

YPA  
PDS.

**STATEMENT OF INTENT AND**  
**IMPACT ANALYSIS**

and

Other Material Required by  
DeKalb County Zoning Ordinance  
for the  
Application to Amend Official Zoning Map

of

**GRANDVIEW RESIDENTIAL, LLC**

for

**1473 Columbia Drive**  
+/-2.366 Acres of Land  
located in  
Land Lot 186, 15th District, DeKalb County

**From R-75 to MR-2**

Submitted for Applicant by:

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## I. LETTER OF INTENT

The Applicant, Grandview Residential, LLC, is seeking to rezone a ±2.366-acre tract of land located at 1473 Columbia Drive, Decatur, unincorporated DeKalb County, Georgia (the “Subject Property”) from R-75 to MR-2 (Medium Density Residential 2). It is the Applicant’s intent to develop twenty-five (25) single-family attached townhomes on the Subject Property at a density of 10.5 units per acre. The proposed project will include 41% enhanced open space, including a community greenspace and a dog park area. Additionally, each unit shall have a two-car garage with access from an alley, together with guest parking areas.

Currently the Subject Property is improved with a single-family house. Immediately south and on the opposite side of Columbia Drive are additional single-family homes, zoned R-75. Located northwest of the Subject Property is the Lauren Parc townhome community, developed nearly fifteen years ago and zoned MR-2. Simultaneously with the submission of this Application, the Applicant has filed an application to amend the Land Use Designation for the Subject Property from Suburban to Town Center.

This document is submitted both as a Statement of Intent with regard to this Application, a preservation of the Applicant’s constitutional rights, and the Impact Analysis of this Application as required by the DeKalb County Zoning Ordinance, § 27-7.3.5. A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

## II. IMPACT ANALYSIS

### A.

#### **THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN**

The Subject Property is currently designated Suburban under the DeKalb Comprehensive Land Use Plan through 2035. It is the Applicant's contention that amending the Land Use from Suburban to Town Center is in conformity the Policy and Intent of the Comprehensive Plan as it will allow for infill development that is consistent with the Lauren Parc Condominium Community located adjacent to the rear of the Subject Property which has a Land Use Designation of Town Center, and is zoned MR-2 to the Subject Property, while being in conformity with the following character area policies:

1. Protect Single Family Neighborhoods - Preserve and enhance the integrity and quality of existing residential neighborhoods.
2. Maximum Density - Properties located along the outer edges of the Town Center shall be sensitive to the building height and density of adjacent single family residential.
3. Streetscaping - Improve street character with consistent signage, lighting, landscaping and other design features.
4. Parking - Clearly define road edges by locating buildings near the roadside with parking in the rear.
5. Healthy Neighborhoods - Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity. Promote moderate density, traditional neighborhood

development style residential subdivisions, which may utilize alley ways and rear vehicular access; and

**B.**

**THE PROPOSED REZONING PERMITS A USE THAT IS  
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND  
NEARBY PROPERTY.**

The proposed rezoning to MR-2 will permit the continued development of single-family attached housing along the Columbia Drive corridor. The Subject Property is an infill lot. The rear of the Subject Property is adjacent to the Lauren Parc townhome community (CZ-02044) which is zoned MR-2 with a land use designation of Town Center. The Lauren Parc community is the sole town home development along Columbia Drive which was developed in 2004. The expansion of the MR-2 Zoning District will allow for a development that will continue to diversify the available single-family product in the area. Also, it will allow for an upgrade of townhome product in the area. Lauren Parc is a 54 units development at a density of 11.84 units per acre with a +/-17.5 ft wide product and one car front entry garage, with minimal useable common area, and price points between January, 2016 to December, 2017 starting from \$117,500 to a high of \$143,000. The proposed project will be developed at a density of 10.5 units per acre with a minimum 20ft wide product, two car rear entry garage, with useable community greenspace and a dog park at a price point starting at \$240,000 to \$275,000.00.

Finally, the proposed rezoning will support the development of a product that will not only

support, but improve, the property values in the surrounding single-family community which has been slow to recover from the 2007 economic downturn in the real estate market. As the Subject Property is located on Columbia Drive, a minor thoroughfare, the integrity of the single family detached product behind the Subject Property will be protected, while still benefitting from the increase value, and aesthetic enhancements along Columbia Drive.

**C.**

**THE SUBJECT PROPERTY DOES NOT HAVE A  
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

The Subject Property does not have a reasonable economic value. The Subject Property is an irregularly shaped lot, on a double yellow minor arterial road. The development of new single family detached residential product along Columbia Drive simply is not economically feasible, particularly when located adjacent to an existing townhome development. Therefore, the Applicant and the owners respectfully submit that the Zoning Ordinance of DeKalb County, Georgia, as amended from time to time and known as the "DeKalb County Zoning Ordinance", to the extent that it classifies the Subject Property in any zoning district which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the DeKalb County Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning

classifications, including ones intervening between the existing classification and the one requested herein, would deprive the current owner of any reasonable use and development of the Subject Property. Further, an attempt by the Board of Commissioners to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

The Applicant submits that the current zoning classification and any other zoning of the Subject Property save for what has been requested by it as established in the DeKalb County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Applicant. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the Board of Commissioners' failure to approve the requested zoning change would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of the Subject Property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

Finally, the Applicant protests any action which would prohibit development of the Subject Property as requested inasmuch as the Zoning Ordinance was adopted in violation of or in other respects does not comply with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq. and minimum procedural due process standards guaranteed by the Constitutional provisions set forth above.

This Application meets favorably the prescribed test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power, Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977).

**D.**

**THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING**

## **USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY**

The proposed change in land use will not adversely affect the existing use or usability of adjacent or nearby property, rather it will enhance it. As noted above, development patterns in the area are entirely consistent with the proposed use for the Subject Property. The Columbia Drive corridor has a mixture of uses, from commercial uses further west moving towards Memorial Drive, to the daycare facilities, places of worship and retail commercial center east of the Subject Property moving towards Glenwood Road. The proposed land use amendment will allow for the development of single family attached units at a density which is less than the adjacent townhome community but will permit the development of units at a density and price point that is a step up from the existing townhomes.

### **E.**

## **OTHER EXISTING OR CHANGING CONDITIONS**

### **AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The area in which the Subject Property is located is a residential community with townhomes and single family detached homes. This type of development is precisely what the DeKalb County Commissioners envisioned when they established the new zoning ordinance which made notable changes to the configuration of townhome communities. The proposed project has embraced the changes by providing rear entry access and enhanced open space that will provide ample green space for residents to enjoy in a variety of ways. These progressive features provide for a more cohesive subdivision that is centered around the spirit of community and togetherness.

F.

**THE ZONING PROPOSAL WILL NOT  
ADVERSELY AFFECT HISTORIC BUILDINGS,  
SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

G.

**THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH  
WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING  
STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS**

The proposed rezoning, if approved, will not affect existing transportation facilities or utilities. Additionally, it will not negatively impact the schools in the area. According to the DeKalb County Public School website and 10/3/2017 Enrollment Report, Peachcrest Elementary is at 89% capacity, Mary McLeod Bethune Middle School is at 63% capacity and Towers High School is at 74% capacity. Therefore, if approved, the requested rezoning will not result in a use that is burdensome to the streets, transportation facilities or schools.

**IV. CONCLUSION**

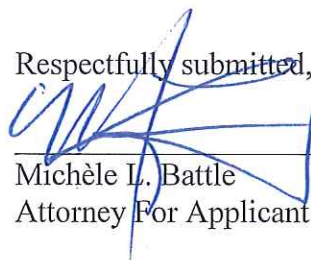
For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be



incorporated as conditions of approval of this Application. Please note that the Applicant's Notice of Constitutional Allegations and Preservation of Constitutional Rights have been submitted with this Application, and are attached hereto and by this reference incorporated herein.

This 30 day of July, 2018.

Respectfully submitted,



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Michèle L. Battle  
Attorney For Applicant

NOTICE OF CONSTITUTIONAL ALLEGATIONS AND PRESERVATION OF  
CONSTITUTIONAL RIGHTS

The portions of the DeKalb County Zoning Ordinance, facially and as applied to the Subject Property, which restrict or classify or may restrict or classify the Subject Property so as to prohibit its development as proposed by the Applicant are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The application of the DeKalb County Zoning Ordinance to the Subject Property which restricts its use to any classification other than that proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the DeKalb County Board of Commissioners to rezone the Subject Property to the classification as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

A refusal to allow the rezoning in questions would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

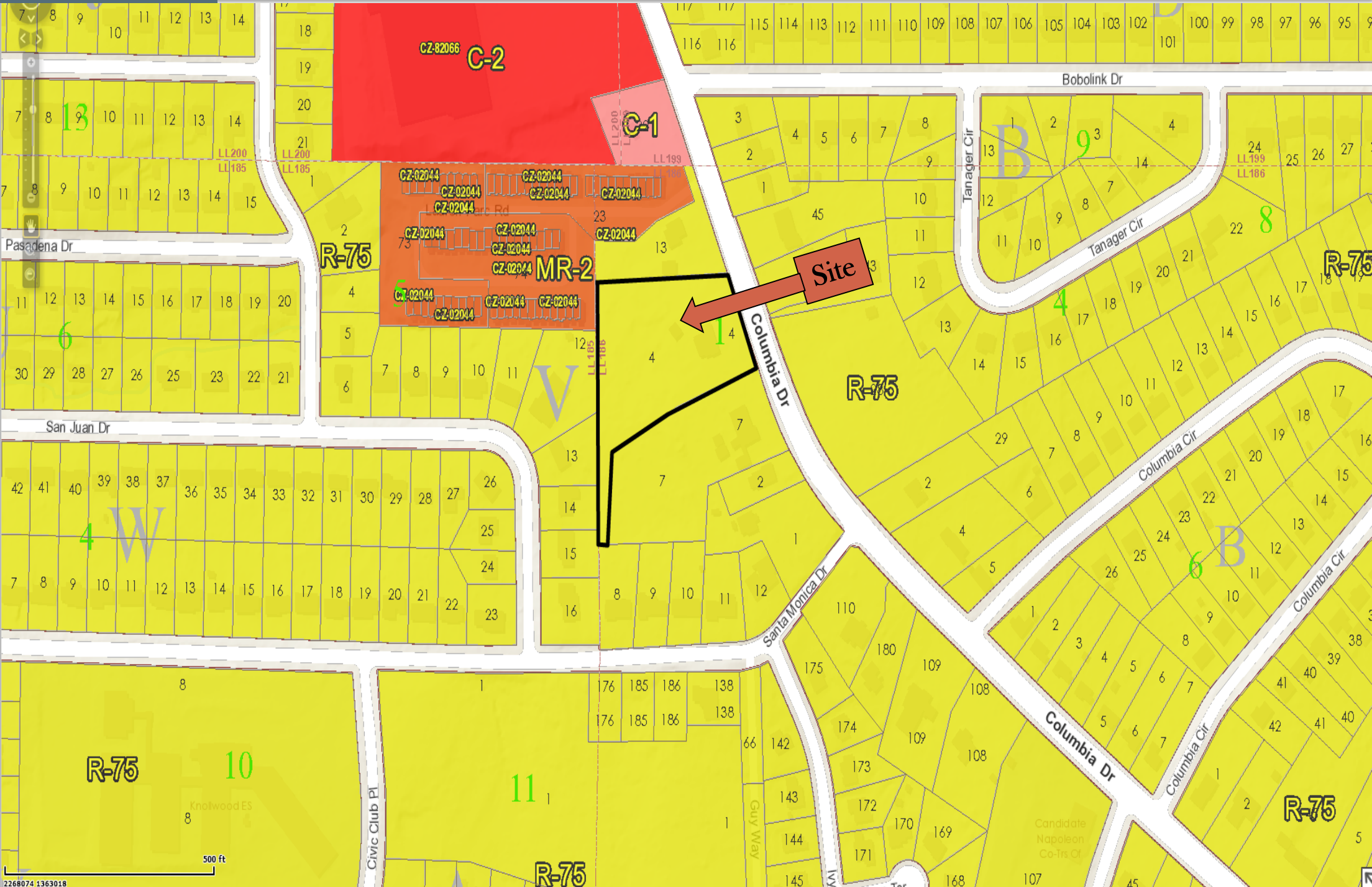
A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. Section 36-66/1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

The existing zoning classification on the Subject Property is unconstitutional as it applies to the Subject Property. This notice is being given to comply with the provisions of O.C.G.A. Section 36-11-1 to afford the County an opportunity to revise the Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, the Applicant is hereby placing the County on notice that it may elect to file a claim in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of the Subject Property, diminution of value of the Subject Property, attorney's fees and other damages arising out of the unlawful deprivation of the Applicant's property rights.



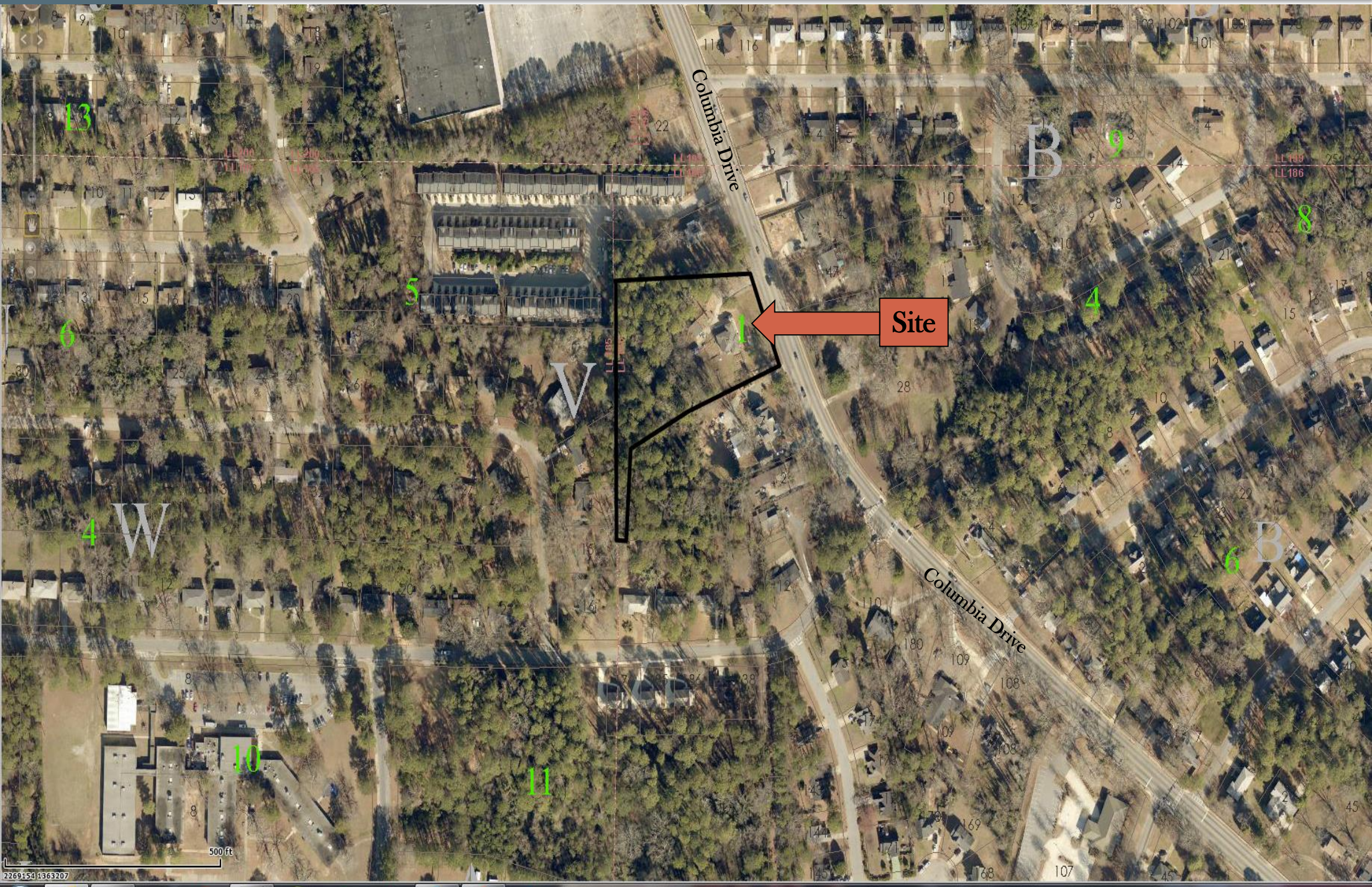












13

6

4

10

5

11

1

4

9

8

6

Site

B

V

W

B

500 ft



Site



Adjacent Single Family Residence

Townhomes Adjacent to SF Residence