

Agenda Item

File ID: 2023-0874

Substitute

11/14/2023

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

Commission District(s): Commission District 03 Super District 07

Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family, detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.

Petition No.: 2023-0874 Z-23-1246544

Proposed Use: Construction of single-family, detached homes.

Location: 4127, 4139, 4149, 4163 and 4173 Maplewood Drive, Decatur, Georgia 30035.

Parcel No.: 15-158-02-005, 15-158-02-006, 15-158-02-007, 15-158-02-051, 15-158-02-008 & 15-158-02-009

Information Contact: Adam Chappell, Sr. Planner

Phone Number: 470-618-2642

PURPOSE:

Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Two-Cycle Deferral.

STAFF RECOMMENDATION: Approval with Conditions.

PLANNING STAFF ANALYSIS: The applicant requests to rezone the subject properties from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) to construct single-family, detached dwellings. The subject parcels are located within a Suburban (SUB) Character Area, which supports the proposed rezoning and development (*Comprehensive Plan*, pg. 41). Although the properties surrounding the proposed development are all currently zoned R-75, there is precedent for denser development in the immediate vicinity; there are several extant subdivisions with RSM zoning to the south and east along Wesley Chapel Road. The original site plan submitted with the application proposed up to 33 single-family dwellings; however, in order to have ample time to address several site plan deficiencies, the applicant was granted a 45-day deferral by the Board of Commissioners at a meeting held on September 28, 2023. The revised site plan shows a similar configuration but reduces the total number of proposed detached dwellings to 31 in order to meet open space requirements and address comments from other County agencies. The proposed site plan shows a configuration that appears to be sensitive to existing developments along Maplewood Drive. Said plan contains open space surrounding the proposed dwellings that also serves as a buffer between the proposed dwellings and existing properties. The proposal demonstrates compliance with RSM density requirements. A base maximum density of four (4) dwelling

units per acre is permitted; at 8.24 acres, the development site allows for a maximum of 32 units; one more than the number proposed. Approximately 20.2 percent of the site is dedicated to open space, meeting the minimum requirement of twenty percent (20%); most of this open space qualifies as enhanced open space through a system of parks and trails. Staff concludes that the new site plan dated October 18, 2023, addresses all previous deficiencies and presents a concept that would ultimately be compatible with surrounding development. Therefore, the Planning & Sustainability Department recommends approval of the rezoning request with the attached conditions.

PLANNING COMMISSION VOTE: Two-Cycle Deferral 7-0-0. Vivian Moore moved, Edward Patton seconded for a 2-cycle deferral to the Jan 2024 zoning agenda, per staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 4-1-1.

SUBSTITUTE
2023-0874
(Z-23-1246544)
Recommended Conditions
11/13/2023

1. No more than thirty-one (31) single-family, detached dwellings shall be constructed in general conformance to the site plan dated 10/18/2023.
2. Approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.
3. A ten-foot no-access easement and a 20-foot-wide landscape strip shall be provided as shown on the site plan, in combination with a six-foot-high decorative fence, or a five-foot-high landscaped berm, to screen the rear view of houses from Maplewood Drive.
4. A minimum of 20 percent open space shall be provided. Fifty (50) percent of the provided open space shall be enhanced open space as shown on the site plan. A minimum distance of 30 feet shall be provided between the rear lot lines of Lots 9-13 and the southern property line of the overall development site. Nature trails shall be provided as shown.
5. Building elevations shall be in general conformance with the designs included with the application; building materials shall consist of brick, stucco, and/or cementitious siding.

SITE NOTES:

1. THE SITE CONTAINS: 358,761 SQ FT = 8.24 ACRES
TOTAL DISTURBED ACREAGE: TBD ACRES
2. SITE ADDRESS: 4127-4173 MAPLEWOOD DRIVE, DEKALB COUNTY, 30035
3. EXISTING ZONING: R-75
4. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY THOMAS & HUTTON, DATED 5-26-22.
5. HORIZONTAL DATUM IS NAD83 GEORGIA GRID WEST ZONE. VERTICAL DATUM IS NAVD88.
6. PART OF THIS SITE IS LOCATED WITHIN A ZONE [A, AE, SHADED ZONE X] AS DEFINED BY F.I.R.M. COMMUNITY PANEL NUMBER 1308900151 J DATED MAY 16, 2013 FOR DEKALB COUNTY, GEORGIA.
7. THERE ARE EXISTING EASEMENTS, STATE WATER BUFFERS, STREAM BUFFERS OR FLOODPLAIN BUFFER THAT APPLY TO THIS PROPERTY.
8. TO THE BEST OF OUR KNOWLEDGE, THERE NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS.
9. THE EXISTING UTILITIES SHOWN ON THE PLANS ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS, SIZES, MATERIALS, OR DEPTH FOR THE UTILITIES SHOWN OR THE UTILITIES WHICH MAY EXIST ON THE SITE BUT ARE NOT SHOWN. THE CONTRACTOR SHALL HAVE THE RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES SHOWN ON THE PLANS AND REPORT ANY DISCREPANCIES TO THE ENGINEER OF RECORD. THE CONTRACTOR SHALL ALSO HAVE THE RESPONSIBILITY BEFORE STARTING ANY WORK TO MAKE SUCH EXPLORATIONS AND PROBES NECESSARY TO ASCERTAIN ANY SEWER LINES, WATER SUPPLY LINES, GAS LINES, ELECTRICAL LINES, CABLE LINES, TELEPHONE LINES, OR OTHER UTILITY LINE.
10. CONTRACTOR SHALL CONTACT THE UTILITY LOCATOR AS REQUIRED BY GEORGIA LAW AND HAVE ALL UTILITIES MARKED PRIOR TO ANY CONSTRUCTION ACTIVITY. CONTRACTOR WILL HAVE PRIVATE UTILITY LOCATOR LOCATE ALL UTILITIES WITHIN THE CONSTRUCTION LIMITS NOT COVERED BY THE UTILITY PROTECTION CENTER.
11. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES OR ERRORS THAT HE MAY DISCOVER IN THESE PLANS.
12. CONTRACTOR TO PROVIDE ALL NECESSARY BARRICADES, GUARDS, LIGHTS, AND OTHER INSTALLATIONS REQUIRED TO PROTECT PERSONS AND PROPERTY DURING THE ENTIRE CONSTRUCTION PROCESS.
13. ALL CONSTRUCTION MUST CONFORM TO THE APPROPRIATE CITY, COUNTY, AND STATE STANDARDS.
14. UNDERGROUND UTILITIES SERVING OR CROSSING THE PREMISES MAY EXIST THAT ARE NOT SHOWN. CRESCENT VIEW ENGINEERING IS UNABLE TO CERTIFY TO THE ACCURACY OR COMPLETENESS OF THE UTILITY INFORMATION SHOWN. ALL UNDERGROUND UTILITY LOCATIONS MUST BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITY BY THE UTILITY PROTECTION CENTER AT 1-800-282-7411 FOR RIGHT OF WAY AREA AND BY A PRIVATE UTILITY LOCATOR FOR UTILITIES NOT LOCATED WITHIN THE RIGHT OF WAY.
15. THE CONTRACTOR MUST OBTAIN ADDITIONAL "RIGHT OF WAY" PERMIT FOR ALL NECESSARY WORK DONE IN THE RIGHT OF WAY.
16. THIS PLAN WAS PREPARED FOR PERMIT APPROVAL ONLY. ACTUAL CONSTRUCTION SHOULD BE BASED ON STAKING BY A REGISTERED LAND SURVEYOR. THE FOOTPRINT IS BASED ON AN ARCHITECTURAL PLAN BY OTHERS. THE ARCHITECTURAL PLAN SHOULD BE USED FOR HOUSE POSITIONING AND LOCATION.

ZONING CONFORMANCE:

SITE ZONING:	PROPOSED R-SM ZONING
DENSITY UNITS/ACRE:	PROPOSED DENSITY: 3.76 UNITS/ACRE
MINIMUM OPEN SPACE:	20% (MIN)
BUILDING SETBACKS	
FRONT SETBACK (THOROUGHFARES AND ARTERIALS)	20 FT (MIN) / 30FT (MAX)
FRONT SETBACK (SUB):	20 FT (MIN)
SIDE SETBACK (INTERIOR LOT):	3 FT (MIN) WITH 10 FT SEPARATION BETWEEN BUILDINGS
SIDE SETBACK (CORNER LOT):	SAME AS FRONT
REAR SETBACK (WITHOUT ALLEY):	20 FEET (10FT WITH ALLEY)
LOT REQUIREMENTS	
MINIMUM LOT WIDTH:	50 FT (OR 20 FT COTTAGE)
MINIMUM LOT AREA:	5,000 SF (OR 2,000 SF COTTAGE)
MAXIMUM LOT COVERAGE:	50%
MINIMUM FLOOR AREA:	1,200 SF (OR 800 SF COTTAGE)
MAXIMUM HEIGHT OF BUILDING:	35 FEET

OPEN SPACE AREA
 ENHANCED USABLE OPEN SPACE AREA

Open Space	Area (Sq.Ft)	Enhanced open space	Area (Sq.Ft)
Enhanced Dog Park	7217	Enhanced Dog Park	7217
Enhanced Outdoor Gathering Spot	15367	Enhanced Outdoor Gathering Spot	15367
Enhanced Greenway	33460	Enhanced Greenway	33460
Landscape buffer around property	16527		
Total Open Space Requirement	71874	Total Enhanced Open Space Requirement	35937
Total Open Space Provided	72571	Total Enhanced Open Space Provided	56044

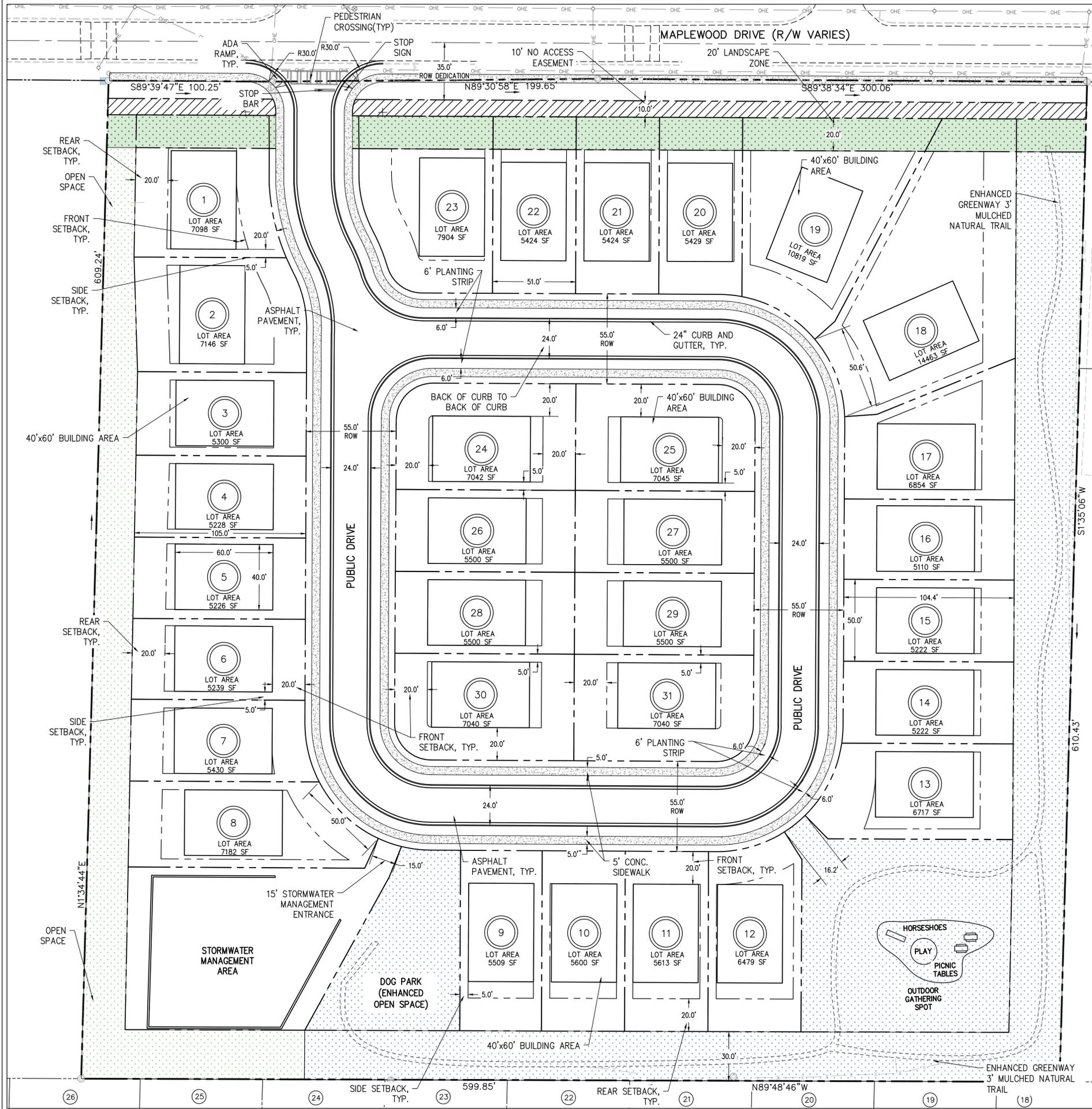
OPEN SPACE REQUIREMENTS:

- TOTAL LOT AREA = 358,761 SF
- REQUIRED OPEN SPACE = 20% (OR 71,874 SF)
- PROVIDED OPEN SPACE = 20.23% (OR 72,571 SF)
- PROVIDED ENHANCED OPEN SPACE = 74.47% OF PROVIDED OPEN SPACE (OR 56,044 SF)
- REQUIRED OPEN SPACE MAY BE USED IN A VARIETY OF WAYS, INCLUDING NATURAL AREAS FOR WILDLIFE AND ECOLOGICAL FUNCTIONS, PARKS, GARDENS, LANDSCAPES, MEDIAN, SQUARES, VILLAGE GREENS, COURTYARDS, RECREATIONAL SPACE, OR RECREATIONAL FACILITIES, PROVIDED THE USE IS CONSISTENT WITH THE REQUIREMENTS OF THIS PART (SECTION 14-275).
- NO MORE THAN TWENTY (20) PERCENT OF THE OPEN SPACE AREA MAY BE COVERED WITH AN IMPERVIOUS SURFACE. IMPERVIOUS SURFACES MAY INCLUDE PAVED TRAILS, BIKE PATHS OR MULTI-USE PATHS, BUILDINGS, PLAZAS, SWIMMING POOLS, OR ATHLETIC COURTS. IMPERVIOUS SURFACES IN OPEN SPACE MAY NOT INCLUDE SIDEWALKS ALONG PUBLIC RIGHTS OF WAY OR PARKING LOTS, STREETS, OR OTHER AREAS FOR MOTORIZED VEHICULAR USE (SECTION 14-276).
- PARKS, OPEN SPACE, MULTI-USE TRAILS, RECREATION AREAS AND CONSERVATION EASEMENTS MAY BE OFFERED FOR DEDICATION TO THE COUNTY BY THE PROPERTY OWNER (SECTION 14-278)
- A DEVELOPER MAY RESERVE AND OFFER PROPERTY WITHIN A SUBDIVISION AS A SITE FOR A CIVIC USE, INCLUDING BUT NOT LIMITED TO PUBLIC SCHOOLS, FIRE STATIONS, POLICE STATIONS, OR RECREATION CENTERS. (SECTION 14-286).

IMPERVIOUS AREA:

TOTAL LOT AREA	= 358,761 SF
HOUSES	= 74,000 SF
DRIVEWAY	= 12,400 SF
ROAD WITH CURB AND GUTTER	= 27,740 SF
SIDEWALKS	= 14,367 SF
DETENTION WALLS	= 343 SF
PROPOSED IMPERVIOUS SUBDIVISION COVERAGE	= 35.92%
MAX IMPERVIOUS FOR THE TOTAL OF THE LOTS PER CODE	= 50% PER CODE

LOT I.D.	AREA (SQ.FT.)
LOT 1	7098
LOT 2	7146
LOT 3	5300
LOT 4	5228
LOT 5	5226
LOT 6	5239
LOT 7	5430
LOT 8	7182
LOT 9	5509
LOT 10	5600
LOT 11	5613
LOT 12	6479
LOT 13	6717
LOT 14	5222
LOT 15	5222
LOT 16	5110
LOT 17	6854
LOT 18	14463
LOT 19	10819
LOT 20	5429
LOT 21	5424
LOT 22	5424
LOT 23	7934
LOT 24	7042
LOT 25	7045
LOT 26	5500
LOT 27	5500
LOT 28	5500
LOT 29	5500
LOT 30	7040
LOT 31	7040
TOTAL LOT AREA	199805
AVG LOT AREA	6445 SQ.FT.



Prepared By:
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Prepared For:
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SITE PLAN

DATE	SCALE	AS SHOWN	REVISIONS
10-18-23	AS SHOWN	JS	
			CHECKED: GHB



4127- 4173 Maplewood Drive
Land Lot 158, 15th District
DeKalb County, GA 30035

CVE PI # 21-803

SHEET NO.
C-1

