

Agenda Item

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 3 & 6

Application of Langford and company Strategic Investments, LLC for a Major Modification of zoning conditions approved pursuant to CZ-04068, to allow the property to be subdivided into two single-family lots.

PETITION NO: N2. CZ-19-1235306

PROPOSED USE: Two single-family lots.

LOCATION: 2184 Cavanaugh Avenue, Decatur

PARCEL NO.: 15-146-04-018

INFO. CONTACT: Marian Eisenberg

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PURPOSE:

Application of Langford and company Strategic Investments, LLC for a Major Modification of zoning conditions approved pursuant to CZ-04068, to allow the property to be subdivided into two single-family lots. The property is located on the east side of Cavanaugh Avenue, approximately 200 feet north of Lochland Road, at 2184 Cavanaugh Avenue, Decatur. The property has approximately 257 feet of frontage on Cavanaugh Avenue and contains .73 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: APPROVAL.

PLANNING COMMISSION: PENDING.

PLANNING STAFF: APPROVAL WITH CONDITIONS.

STAFF ANALYSIS: The proposal to create two conforming single-family residential lots in a single-family residential neighborhood is consistent with the Traditional Neighborhood Character Area policy of the 2035 Comprehensive Plan to "Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density." (Traditional Neighborhood Character Area Policy No. 1.) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed lot sizes are similar to those of adjoining and nearby R-75 lots and would be more than double the minimum R-60 lot size of 6,000 square feet. The proposal has the potential to benefit adjacent and nearby property by allowing the development of occupiable homes on Cavanaugh Avenue, thus contributing to the safety and vitality of the neighborhood. Finally, the relatively large lot sizes (compared to the minimum size required in an R-60 district) provide an opportunity to preserve trees and green space. Therefore, the Department of Planning and Sustainability recommends "Approval" with conditions.

COMMISSION VOTE: PENDING.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval, 6-2-1. The Community Council Board members asked about impact on the nearby creek and were satisfied with the applicant's response, which referred to the need to comply with State and County water quality standards.

STAFF-RECOMMENDED CONDITIONS
CZ-04068
Major Modification of Zoning Conditions of CZ-04068

1. All utilities shall be underground.
2. There shall be no vinyl or aluminum siding used within the development.
3. All houses located within the development shall have exteriors of brick, stone, stucco, or other masonry; hardi-board or Hardi-Plank siding (or some other cement siding); clapboards; shakes or shingles; or some combination of these materials.
4. There shall be no more than twenty-three (23) single-family detached houses built on the property.
5. Each house shall have a minimum of 1,600 square feet of heated floor space.
6. The developer shall establish a mandatory homeowners association that shall oversee the maintenance of all common areas, including, but not limited to, the approximately 1.4 acres of open space depicted on the Rezoning Plat that was prepared by Land Solutions Group, Inc., which is dated February 17, 2003. In addition, the developer shall record restrictive covenants that prohibit the development of the open space depicted on said Rezoning Plat. Further, the developer shall deed the open space depicted on said Rezoning Plat to the mandatory homeowners association.
7. All front lawns shall be sodded.
8. The developer shall install a six (6) foot tall wooden privacy fence along the southern property line for Lot 5, as depicted on the Rezoning Plat for Willow Park Subdivision that was submitted with the rezoning application, which was prepared by Land Solutions Group, Inc. and is dated February 17, 2003.
9. The Department of Public Works shall approve all access points to the subdivision.
10. The proposed extension of Willow Place shall be renamed Willow Place; otherwise on street appears to have two names.
11. The developer shall install sidewalks along both sides of the internal streets of the subdivision.

CONDITIONS RECOMMENDED BY THE APPLICANT

CZ-19-1235306

Major Modification of Zoning Conditions of CZ-04068

- 1) Property Owner affirms that it does not intend and shall not initiate or seek for property (Tax Parcel Id No. 15-146-04-018) to be annexed into City of Atlanta.
- 2) Property Owner will seek to remove property from Willow Place Park Declaration of Protective Covenants, Conditions, Restrictions and Easements, established per Zoning Condition of Case CZ 04068. Said removal shall be filed in the Real Estate Records of DeKalb County, Georgia, if necessary.
- 3) The developer(s) of the property shall install 225 linear feet of sidewalks along Cavanaugh Avenue.
- 4) Restrictions imposed by DeKalb County in CZ-04068 shall remain in place until such time as conditions 2 and 3 are fulfilled.
- 5) Upon completion of conditions 2 and 3, the restrictions imposed by DeKalb County in CZ-04068 shall no longer apply or encumber the property and the following conditions will apply and encumber the Property:
 - a. All Utilities shall be underground.
 - b. There shall be no vinyl or aluminum siding used in the development of the Property.
 - c. All houses to be developed in the Property shall have exteriors of brick, stone stucco or other masonry; hardi-board or Hardi-Plank siding (or some other cement siding); clapboards; shakes or shingles; or some combination of these materials.
 - d. 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 shall be based on the merits of the application before said authority.
 - e. All front lawns shall be sodded.
 - f. Each house shall have a minimum of 1,600 sq. ft.
 - g. The Developer(s) shall build no more than two single family homes.



