

Agenda Item

File ID: 2020-0606

Substitute

7/30/2020

Public Hearing: YES NO

Department: Planning and Sustainability

SUBJECT:

COMMISSION DISTRICTS: 5 & 7

Application of Venture Communities LLC c/o Dunlavy Law Group, LLC to request a major modification of zoning conditions of Case Z-07-13334 and CZ-04-111 to allow 38 townhomes within the MU-4 (Mixed Use High Density) District and Tier 2 of the I-20 Overlay District.

Petition No.: N9. CZ-20-1243960 2020-0606

Proposed Use: 38 Townhomes

Location: 2620 Shell Bark Road and 2641 Acuity Way, Decatur, Georgia.

Parcel No.: 16-009-01-001, 16-024-06-001

Information Contact: Melora Furman

Phone Number: 470-542-3022

PURPOSE:

Application of Venture Communities LLC c/o Dunlavy Law Group, LLC to request a major modification of zoning conditions of Case Z-07-13334 and CZ-04-111 to allow 38 townhomes within the MU-4 (Mixed Use High Density) District and Tier 2 of the I-20 Overlay District. The property is located on the west side of Acuity Way, approximately 836 feet south of Snapfinger Woods Drive, at 2620 Shell Bark Road and 2641 Acuity Way, Decatur, Georgia. The property has approximately 836 feet of frontage along Acuity Way and contains 7.02 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval with Conditions.

PLANNING STAFF: Approval with Conditions.

PLANNING STAFF ANALYSIS: The zoning proposal is consistent with the following policies and strategies of the 2035 Comprehensive Plan: “Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents.” (Housing Policy No. 9) and “Ensure that new development and redevelopment is compatible with existing residential areas.” (Land Use Policy No. 4) According to the applicant, the housing market has changed since the zoning conditions were originally approved in 2004 and modified in 2007. The modifications don’t change the land use type that could be

developed on the property – it will remain residential – but they would, in the applicant’s opinion, make the property and residential development on the property more suited for today’s housing market. Since there does not appear to be a need for the previously approved housing type at the subject location, staff agrees that the modifications are appropriate. Therefore, the Department of Planning and Sustainability recommends “Approval” with the conditions attached on the following pages as marked-up and final versions.

PLANNING COMMISSION VOTE: Approval with Conditions, 7-1-0. G. McCoy moved and A. Atkins seconded for approval with staff’s conditions, with an amendment to condition #3 that there be a minimum of 1700 square feet of heated area. T. Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 9-0-0. The proposed townhomes are compatible with existing housing in the area. There was no opposition.

RECOMMENDED CONDITIONS

Z-20-1243960

Major Modification of Conditions Approved Pursuant to CZ-07-1334 and CZ-04-111

1. The maximum units will be 380 single-family residences and there will be 3.5 acres for commercial retail development.
2. The development will include sidewalks on both sides of internal streets, underground utilities, and streetlights.
3. The townhomes will have a minimum of a two-car garage and facades shall be comprised of brick, stone, “Hardi-plank” siding, cementitious materials, or a mixture of any of the foregoing materials. There shall not be vinyl on the facades, sides, or backs of the homes. The design of the front facades shall vary such that two adjacent homes will not be the same. The townhomes will be a minimum of 1400 square feet of heated area. The mandatory homeowners association will be responsible for all lawn maintenance.
4. The single-family detached homes will have a minimum of two car garages and facades made of a mixture of brick, stone, and “Hardi-plank” Siding. There shall not be vinyl on the facades, sides, or backs of the homes. The design of the front facades shall vary such that no two adjacent homes will be the same. The detached homes will be from 1600 to 2000 square feet with a minimum of 1600 square feet of heated area. The mandatory homeowners’ association will be responsible for all lawn maintenance.
5. A recreation and gathering area will be located centrally within the development to serve the needs of all homeowners within the development. There will also be a playground centrally located in the development. Pedestrian access will be provided for residents to access these areas. There will be a picnic area and walking trails near the lake.
6. The townhomes and detached homes will be connected only by an emergency access road.
7. The commercial component will provide retail convenience appropriate to support existing and proposed residential development in the immediate area. The commercial component shall be made of building materials that will be similar to and blend with the rest of the development.
8. The use of the commercial buildings shall be limited to those permitted uses in the Office-Commercial-Residential District with the exception of the following: liquor store; coin operated laundry, and linen and diaper services.
9. Mandatory Homeowners Associations will be incorporated for each portion of the development to control a common areas and amenities. A professional maintenance company shall have the responsibility for the maintenance of common area landscaping and all lawn maintenance.

10. Each entrance to the development will have a decorative landscaped entrance. The design shall be submitted with the sketch plat approval application and shall be subject to review and approval by the Planning Commission.
11. No townhome will be marketed to investors as rental property.
12. The mandatory homeowners' association shall contain provisions that cap rental units within the development. The recorded covenants shall restrict no more than twenty-five percent of the units from being rental units at any given time.