



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2018-1537

7/24/2018

**File Status:** Preliminary Item

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

**SUBJECT:** Rezone - LDG Development, LLC

**COMMISSION DISTRICT(S):** 4 & 6

**PETITION NO:** D1. Z-18-22040

**PROPOSED USE:** A 244-unit multi-family residential development.

**LOCATION:** 3337, 3345, 3353, 3361, 3367 & 3375 Kensington Road

**PARCEL NO.:** 15-250-06-001 through 15-250-06-006

**INFORMATION CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

To rezone property from R-75 (Residential Medium Lot) District and O-I (Office-Institutional) District to HR-3 (High-Density Residential) District for a 244-unit multi-family residential development at a density of 86 units per acre. The property is located on the south side of Kensington Road, approximately 303 feet east of the southeast intersection of Covington Highway and Kensington Road at 3337, 3345, 3353, 3361, 3367 and 3375 Kensington Road, Decatur, Georgia. The site has approximately 559.5 feet of frontage along the south side of Kensington Road and contains 2.83 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (6-19-18) NO RECOMMENDATION (VOTE TIED); (4-17-18) DEFERRAL.

**PLANNING COMMISSION:** (7-10-18) APPROVAL WITH CONDITIONS (5-01-18) FULL CYCLE DEFERRAL.

**PLANNING STAFF:** APPROVAL WITH CONDITIONS

**PLANNING STAFF ANALYSIS:** The proposed development provides the high-density residential desired in proximity to transit. As proposed, it does not include enough non-residential space to be considered mixed use as a stand-alone project; however, the adjacent MARTA site offers opportunity for a horizontally mixed-use environment in the future, as envisioned by the Comprehensive Plan Small Area Study. While still income-

restricted, the proposal now includes a greater mix of units such that it might be considered to meet the legislative intent of policy for mixed-income development, as called for by the adopted 2012 Supplemental TOD LCI. However, this is a policy determination. To inform that determination: a) the applicant delivers units for a broader range of that income brackets than originally proposed to include work-force housing (up to 80% AMI), and; b) potential for negative impacts is highly dependent on future development on the adjacent MARTA properties and infrastructure investment. If other non-residential uses and additional mixed-income housing choices were located on the site or in closer proximity, such a project could potentially contribute to a horizontally mix of uses in the immediate area, thus achieving the policy goal of mixed-use for the area. Those conditions do not exist today. Without appropriate pedestrian infrastructure investment, the site may fail to deliver its potential, as surrounding roads effectively segregate the entire “triangle” of properties from surrounding nearby land uses and amenities. The Comprehensive Plan suggests that new, high quality affordable units are desired by County policy, provided the public realm and mix of uses cultivate healthy neighborhoods. The Staff Analysis delineates the ways the project meets several policies of the Comprehensive Plan, and partially meets key aspects of the Kensington LCI (Small Area Plan) and therefore supports reasons for “Approval with Conditions”.

**PLANNING COMMISSION VOTE:** (7-10-18) **Approval with Conditions as amended, 6-2-0.** The Planning Commission recommended the following amendments to the staff-recommended conditions: delete Condition Nos. 1, 2, and 5 and delete the language requiring future non-residential uses and affordable units in Condition No. 3. (5-01-18) **Full cycle deferral, 7-0-0.** J. West moved and P. Womack, Jr. seconded for a full cycle deferral.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (6-19-18) **No recommendation (vote tied).** (4-17-18) **Deferral, 6-5-0.** The applicant requested Full Cycle Deferral because they are trying to acquire additional property from MARTA to add to the proposed development. Some of the District Council members were opposed to the development stating that the plans were unclear. Opposition and concerns expressed by the Council and community members include lack of greenspace for children, property value impact, safety for pedestrian traffic, connectivity to MARTA station, fencing, and handicapped accessibility.

## **RECOMMENDED CONDITIONS**

**Z-18-22040**

**Rezone from R-75 (Single-Family Residential) and O-I (Office-Institutional)  
to HR-3 (High-Density Residential)**

1. The maximum number of units shall be 244.
2. The developer shall provide a traffic analysis which shall identify negative vehicular and pedestrian impacts, propose improvements required to mitigate these impacts as well as any impacts identified by the County Transportation Division, and incorporate the improvements to plans presented for land development permits, subject to approval by the County Transportation Division.
3. Developer shall provide a pedestrian crossing with signage and a triangular rapid flashing beacon from the site to access the MARTA station across Kensington Road, with a design approved by the County Transportation Division, which may include a raised median.
4. The development shall comply with Article 5 requirements for nonresidential buildings regarding screening and height transitions.
5. Enhanced open space and play areas shall be constructed in substantial compliance with the site plan titled, "Zoning Site Plan Kensington Station", prepared by Southeastern Engineering, Inc., dated 5-31-2018.



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500  
Decatur, GA 30030  
(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: July 10, 2018, 6:30 P.M.  
Board of Commissioners Hearing Date: July 24, 2018, 6:30 P.M.  
deferred from May 22, 2018  
*Corrected 7-24-18 (corrections marked)***

**STAFF ANALYSIS**

**Case No.:** Z-18-22040 **Agenda #:** D. 1

**Location/Address:** 3337, 3345, 3353, 3361, 3367 and 3375 **Commission District:** 4 **Super District:** 6  
Kensington Road, Decatur

**Parcel ID(s):** 15-250-06-001 through -006

**Request:** To rezone property from R-75 (Residential Medium Lot) District and O-I (Office-Institutional) District to HR-3 (High-Density Residential) District for development of 244 multi-family units at a density of 86 units per acre.

**Property Owner(s):** Rickie A. Clements, Reta Horton, and CVRS Holdings, LLC

**Applicant/Agent:** LDG Development, LLC c/o Battle Law, PC

**Acreage:** 2.83 acres

**Existing Land Use:** Single-family detached homes.

**Surrounding Properties:** To the north, northeast, and northwest: the Kensington MARTA station; to the east: an unused parking lot; to the southeast and south: the DeKalb County Juvenile Detention Center; to the southwest: single-family residential (City of Avondale Estates); to the west: Kensington Trace townhomes (City of Avondale Estates)

**Adjacent Zoning:** **North:** R-75 **South:** N.A. (Avondale Estates) **East:** R-75 **West:** RSM and Avondale Estates **Northeast:** R-75 **Northwest:** R-75 **Southeast:** N.A. (Avondale Estates) **Southwest:** N.A. (Avondale Estates)

**Comprehensive Plan:** RC (Regional Center)/Kensington LCI ☒ **RC Consistent** ☒ **LCI/TOD Partially Consistent**

<b>Proposed Density:</b> 86.22 units/acre	<b>Existing Density:</b> 2.12 units/acre
<b>Proposed Units/Square Footage:</b> 244 units/6,675 s.f. non-residential	<b>Existing Units:</b> 6
<b>Proposed Lot Coverage:</b> 71%	<b>Existing Lot Coverage:</b> (estimate) 15%

**Zoning History:**

In 2004, the Board of Commissioners (BOC) rezoned three of the parcels that comprise the subject property from R-75 to OI with the condition that the property would be used for business and professional offices and business services



uses: 3345 Kensington Road (CZ-04015), 3367 Kensington Road (CZ-04055), and 3375 Kensington Road (CZ-04107). The other parcels appear to have been zoned R-75 since adoption of the first zoning ordinance and map in 1956.

## **PROJECT ANALYSIS**

The subject property is comprised of six contiguous parcels that total 2.83 acres. They are developed with single-family detached homes that were constructed in 1935, 1951, and 1952. The property is part of a triangle of land bounded on the north by Kensington Road, on the southeast by Memorial Drive, and on the southwest by Covington Highway. In addition to two vacant properties, the other land uses in this triangle are the DeKalb Juvenile Justice Center and a Citgo gas station. The Kensington MARTA Station is located across Kensington Road to the north. A sidewalk is located along Kensington Road, next to the curb.

**Policy Summary.** The subject property is part of a Regional Center that extends east to I-285, encompassing several DeKalb County buildings, including the Tax Commissioner's Central Office, the Roads and Drainage Department, and the Sanitation Department. The Regional Center designation also extends to the north and south to include several residential neighborhoods. The property was included in the original 2003 Kensington Livable Cities Initiatives (LCI) Study, designated as "Mixed Use," as included in the current Comprehensive Plan Small Area Plan. It is not included in the 2012 Supplemental TOD LCI boundaries, which more narrowly focuses on a subsection of the overall study area. The 2012 TOD study lists mixed-use and mixed-income developments among the LCI major goals. ~~nor was it~~ **It was** included within the Kensington-Memorial Drive Overlay District study, **and was categorized as mixed use, but was not included in the adopted overlay district.** ~~It abuts "Tier II" of the latter study, categorized as "Business and Lifestyle Tier."~~

**Housing Data.** ESRI data analysis – which pulls from Census and market research - shows that households in the Business and Lifestyle Tier are predominantly low income. The latest data available from the U.S. Census (2016) has established that the median income for DeKalb County was \$52,623; thus the annual income of households defined as low income (those with earnings of 60% of the area median income) is \$31,573 per year. The HUD standard for the acceptable portion of household income that should be spent on housing is 30%, or \$9,472 per year. This figure translates into rents of \$789 per month. According to U.S. Census data, the median monthly rent within the Business and Lifestyle Center Tier is currently \$590 (the data presented by applicant drew from a broader geographic radius). In addition, American Community Survey (also the U.S. Census Bureau) indicates that in the period between 2011 and 2015, an average of 92.5% of the rental units in the Tier cost \$799 per month or less. These findings indicate a concentration of "naturally occurring affordable housing" within the immediate area.

However this is a rapidly changing market with new development replacing older units; this investment will likely generate concomitant price pressures on existing affordable rental rates.

**Surrounding Development.** New construction underway along Mountain Drive, around ¾ mile distance from the subject property, verify this trend with the introduction of new market-rate multi-family options on the other side of the MARTA station (the Avondale Hills and Avondale Park developments). These developments are geographically separated from the subject parcel by the MARTA station and roadways.

The Avondale Estates eastern city boundary is located across Covington Highway to the west and southwest. Avondale Estates is separated from the properties surrounding the MARTA station not only by Covington Highway, a four-lane major arterial, but also by brick walls which enclose the two single-family subdivisions that are located directly to the west of the MARTA station and the subject property.

In addition to the subdivisions, land uses on adjacent and nearby properties are a mixture of institutions, offices, and commercial establishments. The subject site backs up to the DeKalb Juvenile Justice Center. The adjoining property to the west is vacant, is zoned RSM (Residential-Small Lot Mix), and is owned by DeKalb County. Two contiguous parcels to the east are zoned R-75 and are owned by MARTA. The easternmost parcel has 3.35 acres and appears to be an unused, gated, asphalt parking lot. When the application was initially filed in January, 2018, it stated that LDG Development has responded to an RFP for these parcels and if selected, LDG would amend the proposal to include the MARTA properties. However, at the time this is being written, MARTA has not selected a master plan developer, and LDG has not acquired the parcels.

**Project Proposal.** The proposal has been revised twice since it was initially submitted and supplemented with more details and adjustments. It still proposes 244 units in a six-story building, but the following additional clarification has been added:

- units will be 100% affordable housing;
- some townhome units will now be included;
- housing units will now include units affordable to a greater mix of income ranges, up to 80% Area Median Income (AMI) (application amended from original proposal of 60% AMI at top range); this allows work-force housing to remain in the area even as new, nearby development generates market pressures to increase rents (where work-force housing means affordable to those earning between 80%-120% AMI);
- the revised site plan adds for-lease, nonresidential uses in order to be more in keeping with the policy intent for mixed-use development. The plan dedicates a business center and fitness center for the residents of the building and identifies office space for leasing and LDG's Georgia corporate office use. Two other non-residential spaces are shown on the revised site plan, located on the front of the building. At two stories, they each have 975 square feet of space. The applicant further offers converting townhome residential units into additional office space.

This proposal creates a trade-off between single-family attached (diversified housing options on-site) for non-residential.

Finally, the open space has been upgraded to include a gazebo, a ~~21,736~~ 6,207.65 square foot outdoor play area with "commercial-grade" play equipment and a pool approximately 450 square feet in size. The site plan still includes a parking deck that would be accessed Kensington Drive via a two-way driveway.

## **LAND USE AND ZONING ANALYSIS**

**Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

### **A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

#### ***Comprehensive Plan Land Use Policies.***

The Comprehensive Plan envisions the site location as part of a Regional Center character area; policies include: promoting very high density, pedestrian oriented design, and open space requirements that enhance the public realm.

**Analysis:** The proposed project provides very high density residential, but the transportation network fails to provide the pedestrian environment that enables safe and inviting pedestrian access to surrounding uses. While the revised plan improves the public space, enhanced treatments for cross-

walks across Kensington Road would make the development more truly pedestrian oriented and access to the MARTA more viable.

The Land Use section also commits to pursuing mixed use developments near a MARTA station with the following policies: “Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services.” (No. 2); Encourage the clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries which are convenient to population concentrations and major transportation facilities.” (No. 12); and “Encourage transit-oriented development (TOD) in appropriate locations.” (No. 13) Policy No. 2 is repeated as a policy for regional centers.

**Analysis:** As a stand-alone multi-family project, the project does not constitute a mixed-use development; however this exposes the issue of sequencing because MARTA TOD policy envisions the adjacent MARTA site to develop as very high intensity development. This would support the proposal for a truly mixed-use environment. Applicant has provided some additional non-residential elements to bring the project closer to the mixed-use intent. The project does meet the intent to have high density, quality affordable residential convenient to TOD.

***Comprehensive Plan Small Area Plan - Kensington LCI Study.***

**High density mixed use.** The LCI study describes “transit-oriented development” as “a high-density, mixed-use development that provides a central transit “village”, offering all the elements of a complete live/work/play environment.”

**Analysis.** The development does not include enough non-residential space to be considered a mixed use project, as identified in the original, 2003 LCI. The LCI and supplemental plan do not detail the exact mix for achieving this, but the zoning code’s high-density mixed use districts (MU-4 and MU-5) could serve as a reference: they require at least 20% non-residential square footage. The applicant requests HR-3, which does not have to meet this high standard.

**Encourage mixed-income neighborhoods.** The 2012 TOD Supplemental Study to the LCI identifies mixed-income development at the top of the major goals list. The boundaries for that 2012 study do not include the subject parcel, but the intent applies as part of the larger, overall original LCI area. If other non-residential uses and market rate housing choices were located at the site or adjacent, such a project could potentially contribute to a horizontally mixed-income neighborhood within the immediate area; however, those conditions do not yet exist. The site is geographically segregated from mixed-use, mixed-income developments currently under construction and proposed.

**Analysis.** National programs of HOPE VI/Choice Neighborhoods Initiative that demolished projects of concentrated, low-income household neighborhoods worked to remedy a complex set of unintended consequences generated by a program for the very households which subsidies aim to assist. This includes, among others, situations where over a few decades, large concentrations of segregated, low-income households distort the market for a healthy mix of retail and future housing products, become associated with disinvestment, and generate unequal access to services over time.

The potential for these unintentional consequences is exacerbated in this case by the surrounding roads that effectively segregate the property from surrounding nearby land uses. A project targeted only at the lowest income bracket households might fuel the very type of concentration of low-and very-low income housing that HUD warns against. The expansion of the range of units up to 80% of AMI affordability may be considered the mix that meets policy intent for creating a mixed-income TOD area at this time.

Affordable housing is necessary and vital and best practices demonstrate have success when developed within a mix of market-rate options, service and retail uses for long term viability. Multiple new developments in the region demonstrate that, while complex, financing partnerships can deliver mixed-income housing (for example: in Atlanta Edgewood Court, Village at East Lake, The Avery at Underground Atlanta, and Newport South, and; in Savanna, the Sustainable Fellwood, among others).

***Transportation Plans: Kensington LCI and Comprehensive Transportation Plan (CTP) (2014)***

The LCI and supplemental studies address the transportation needs for the area and envision a transit-oriented development around the Kensington MARTA station, which would use the south end of the MARTA parking lot, Kensington Road, and the properties on the south side of Kensington Road to create what is called a “Main Street” concept. That vision cuts off the street to vehicular traffic for a greenway lined by two- to five-story buildings.

Kensington Road conditions currently impede safe, inviting pedestrian and bicycle access to the MARTA station and nearby retail from the “triangle” of properties bordered by Kensington Road, Memorial Road and Covington Hwy. (see LCI concept for illustration in Attachment 1). With turn-lanes, Covington Highway poses a 5-lane barrier between the project and existing retail west of the site. Signalized pedestrian crossing across Kensington Road needs to exist to make the MARTA station access viable, safe, and inviting as intended.

The 2014 CTP identifies two projects to improve pedestrian access in the future: the *Kensington Road Tier 1 (PI 6031)* and *Tier 2B (PI 6032)*. These projects aim to create a trail system to connect the Kensington MARTA station to surrounding neighborhoods and implement a road diet on Kensington Road by removing two vehicular lanes and would add bicycle lane facilities. At this time, these projects have no identified funding.

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

High-density residential is suitable in view of the MARTA station proximity. Proximity is necessary, but not sufficient and improved infrastructure will need to facilitate safe and convenient access. Enhanced pedestrian infrastructure must be actively designed and constructed to integrate any stand-alone multi-family development along that side of Kensington Road, regardless of rental rates.

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

The O-I properties appear to have little economic value for office use because they have not been redeveloped for offices since they were zoned for that purpose in 2004. The rezoning of these properties to O-I diminished the economic value of the adjoining R-75 properties. Moreover, the non-residential character of the land uses to the rear of the subject property reduces its value for single-family homes.

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

The subject property is adjoined by a street, vacant land, and a juvenile detention center. A high density residential building would not adversely affect these adjacent properties. However, its effect on other nearby properties is somewhat indirect. The proposed non-residential uses are a small percentage of the total floor area and not the kind that activate the street, such as restaurants or provide services such as day-care for the immediate residents. The immediate area remains very dependent on the MARTA site to deliver additional uses to realize the TOD mixed-use intent. Greater densities than the proposed might

better allow for market-rate to integrate with restricted income and send stronger market signals to invite the future development envisioned by the LCI plan.

Since the 1990's, HUD research has supported mixed-income as the best practice for generating sustainable affordable housing and viable neighborhoods, initially through HOPE VI program and continuing through programs like HOME and Beyond Many to develop mixed-income with private equity partnerships (2017. Federal Reserve Bank of Atlanta. *Developing Inclusive Communities: Challenges and Opportunities for Mixed-Income Housing*). For nearly two decades, "Most housing professionals agree that concentrating assisted-housing for low- and very low-income Americans in dense, urban areas is not an effective use of scarce affordable housing resources." (2003. HUD. *Mixed-Income Housing and the HOME Program*).

**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:**

As shown by Census data, there exist many low-income housing units in the immediate area. Although still 100% income-restricted, the broader range of incomes including work-force housing now proposed would likely not concentrate low-income households in a small area. Best practice for mixed-income and affordable options aims to integrate market rate and affordable units such that the market rate units are indistinguishable from those that receive subsidies.

Changing conditions include several new, under-construction and proposed multi-family developments in the nearby area and local and regional policy discussions for expanded transit and transit-supportive funding for pedestrian infrastructure.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

**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:**

There is no indication that the proposal will generate excessive demand for vehicular infrastructure. However, the current infrastructure does not provide the necessary enhanced pedestrian environment near a MARTA station at this site. It lacks safe, inviting pedestrian crossings and sufficient pedestrian access both across Kensington Road and across the parking lot that lies between Kensington Road and the MARTA station south entrance. A pedestrian crossing with signage and a triangular rapid flashing beacon would provide a safer and more viable crossing for pedestrians across Kensington Road. See Attachment 1 for further comments regarding road improvements to address at land disturbance.

The Board of Education has commented that there is sufficient capacity at the neighborhood elementary, middle, and high schools.

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

The proposed development is not expected to have unusual impacts on the natural environment.

**Compliance with District Standards:**

HR-3 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 60 d.u.s/acre W/Bonuses: 120 d.u.s/ac.	86 units/acre; Proximity to MARTA = 100% density bonus = 60 bonus units	Yes
MIN. OPEN SPACE	15%	29%	Yes
MIN. LOT AREA	Not Applicable		
MIN. LOT WIDTH	100 ft.	559 feet	Yes
MAX. LOT COVERAGE	85%	62%	Yes
MIN. TRANSITIONAL BUFFER	50 feet on west side and on east side.	West side: none (improved with play area) East side: none (improved with walking path)	Variances will be necessary.
FRONT SETBACK (For entire bldg. site)	Min. 10; Max. 20	12 ft.	Yes
REAR SETBACK	20 ft.	25 ft.	Yes
MINIMUM UNIT SIZE	650 square feet	1 brm – 850 s.f. 2 brm – 1,080 s.f. 3 brm – 1,185 s.f.	Yes
MAX. BLDG. HEIGHT	8 stories or 100 feet	7 stories	Yes
TRANS'L HEIGHT PLANE	Applicable on east and west sides.	Information not provided.	Non-compliance will necessitate variance(s)
OUTDOOR PLAY AREA	Min. area of 5% of total lot area or 4,000 s.f., whichever is greater 5% of lot area = 6,163 s.f.	21,536 square feet	Yes
PARKING	Min. – 1.5 spaces/unit = 366 spaces Max. – 3 spaces/unit = 732 spaces	366 spaces	Yes
SIDEWALKS AND STREETSCAPING	6-ft. sidewalk, 10-ft. landscape strip, street trees 40 ft. on center. Existing streets: landscape strip may be 4' next to curb and 6' next to building	10-ft. sidewalk, 2-ft. landscape strip next to curb, 12-17 ft. landscaped area between bldg. and sidewalk, trees 40' apart	Non-compliance will necessitate a variance.

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS. The proposed development provides the high-density residential desired in proximity to transit. As proposed, it does not include enough non-residential space to be considered a mixed use project, as envisioned by the Comprehensive Plan Small Area Study. For reference, it has far less than the minimum required percentage of non-residential space required by the mixed use zoning district that allows the most comparable residential density. While still income-restricted, the proposal now includes a greater mix of units such that it might be considered to meet the legislative intent of policy for mixed-income development, as called for by the adopted 2012 Supplemental TOD LCI. However, this is a policy determination.

Facts to inform that determination include: a) the applicant delivers units for a broader range of that income brackets than originally proposed to include work-force housing (up to 80% AMI), and; b) potential for negative impacts is highly dependent on future development on the adjacent MARTA properties and infrastructure investment. If other non-residential uses and additional mixed-income housing choices were located on the site or in closer proximity, such a project could potentially contribute to a horizontally mix of uses in the immediate area, thus achieving the policy goal of mixed-use for the area. Those conditions do not exist today.

Without appropriate pedestrian infrastructure investment, the site may fail to deliver its potential, as surrounding roads effectively segregate the entire “triangle” of properties from surrounding nearby land uses and amenities. The Comprehensive Plan suggests that new, high quality affordable units are desired by County policy, provided the public realm and mix of uses cultivate healthy neighborhoods.

The analysis provided above delineates the ways the project meets several policies of the Comprehensive Plan, and partially key aspects of the Kensington LCI (Small Area Plan). A mixed-use zoning district would be a more appropriate fit for this location if adjacent lots were merged into the proposal, a situation out of the applicant’s control.

For the aforementioned reasons, the Department of Planning and Sustainability recommends approval with conditions of the rezoning to HR-3 dwelling units, with the following conditions. *Note: the following are staff-recommended conditions. Conditions recommended by the Planning Commission are attached to the agenda item page.*

1. The development increases the nonresidential use portion to comprise a minimum of 10% of total building square footage. Reserved space without immediate tenant for future occupancy shall count toward compliance with this condition.
2. Construction be such that additional stories may be added in future phases.
3. Density shall be capped at 244 as proposed, but be allowed for future development to occur by-right up to the maximum density and height allowed by the HR-3 zoning district provided that:
  - a. The development offers a mix of residential units to include unrestricted income product options (i.e., market and/or luxury units), and;
  - b. Affordable units are interspersed with and indistinguishable from market-rate and/or luxury units.
4. The developer shall provide a traffic analysis which shall identify negative vehicular and pedestrian impacts, propose improvements required to mitigate these impacts as well as any impacts identified by the County Transportation Division, and incorporate the improvements to plans presented for land development permits, subject to approval by the County Transportation Division.

5. Developer shall provide a pedestrian crossing with signage and a triangular rapid flashing beacon from the site to access the MARTA station across Kensington Road, with a design approved by the County Transportation Division which may include raised median.
6. The development shall comply with Article 5 requirements for nonresidential buildings regarding screening and height transitions.
7. Enhanced open space and play areas shall be constructed in substantial compliance with the site plan titled, "Zoning Site Plan Kensington Station", prepared by Southeastern Engineering, Inc., dated 5-31-2018.

**Attachments:**

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. Site Photographs



## NEXT STEPS

*If this application is approved, the following will 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 or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch 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.**

# DeKalb County Supplemental Land Use Report for Small Area Plans (SAPs)

## Kensington Station Livable Centers Initiative (LCI)

Case # Z 18 22040	Existing FLU: Regional Center	Staff Recommendation:
Project Name: LDG- the Phoenix	Proposed FLU: Regional Center	Analysis in Progress

### Kensington LCI Overview

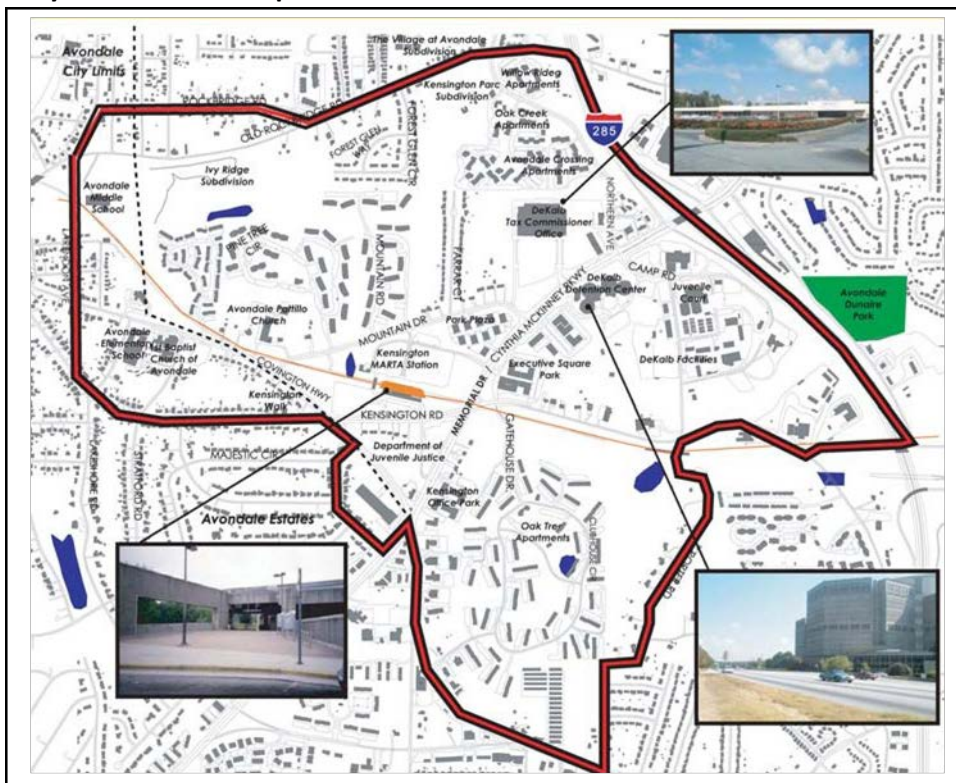
DeKalb County, in conjunction with the Atlanta Regional Commission (ARC), is working to spur development, encourage economic growth and enhance urban design and mobility in and around the Kensington MARTA Station. In an effort to revitalize the Memorial Drive corridor, DeKalb County was awarded one of ten Atlanta Regional Commission (ARC) Livable Centers Initiative (LCI) planning grants that focuses on developing comprehensive recommendations for future land use patterns, transportation and circulation options, zoning improvements and implementation strategies for a defined area. The pursuit of the LCI grant came as a result of the Memorial Drive Economic Development Strategic Action Plan that concluded in spring 2002. This previous planning effort focused on revitalizing potentially sustainable mixed-use activity centers. Through urban design and market analysis, the area surrounding the Kensington MARTA Station was selected as the mixed use activity center with the greatest opportunity for redevelopment due to its location, market opportunities, and property ownership development interests.

### Study Area Context

The Kensington Station LCI study area is comprised of the Kensington MARTA Station, a large DeKalb County governmental core, the I-285/Memorial Drive interchange, numerous multi-family apartments, office parks and surrounding single-family neighborhoods. For the purpose of this study, the boundary line is defined as follows: I-285 on the east, MARTA rail easement to Kensington Road to Porter Road on the south-east, Covington Highway to Kensington Road on the south-west, Clarendon Avenue on the east, and Old Rockbridge Road on the north (the study area is illustrated on the Study Area Context map below).

Memorial Drive and Covington Highway bisect the study area. Memorial Drive extends east-west from Stone Mountain through the study area and continues all the way to East Point. Covington Highway extends north-south and changes to Avondale Road as it enters Avondale Estates. The study area straddles the City of Avondale line but is completely contained within DeKalb County. Within this study area boundary are a series of DeKalb County facilities including the Detention Center, Juvenile Court, Sanitation, Public Safety and the Tax Commissioner's Office. There are no public parks within the study area although Avondale Dunwoody Park is in close proximity to the east.

### Study Area Context Map



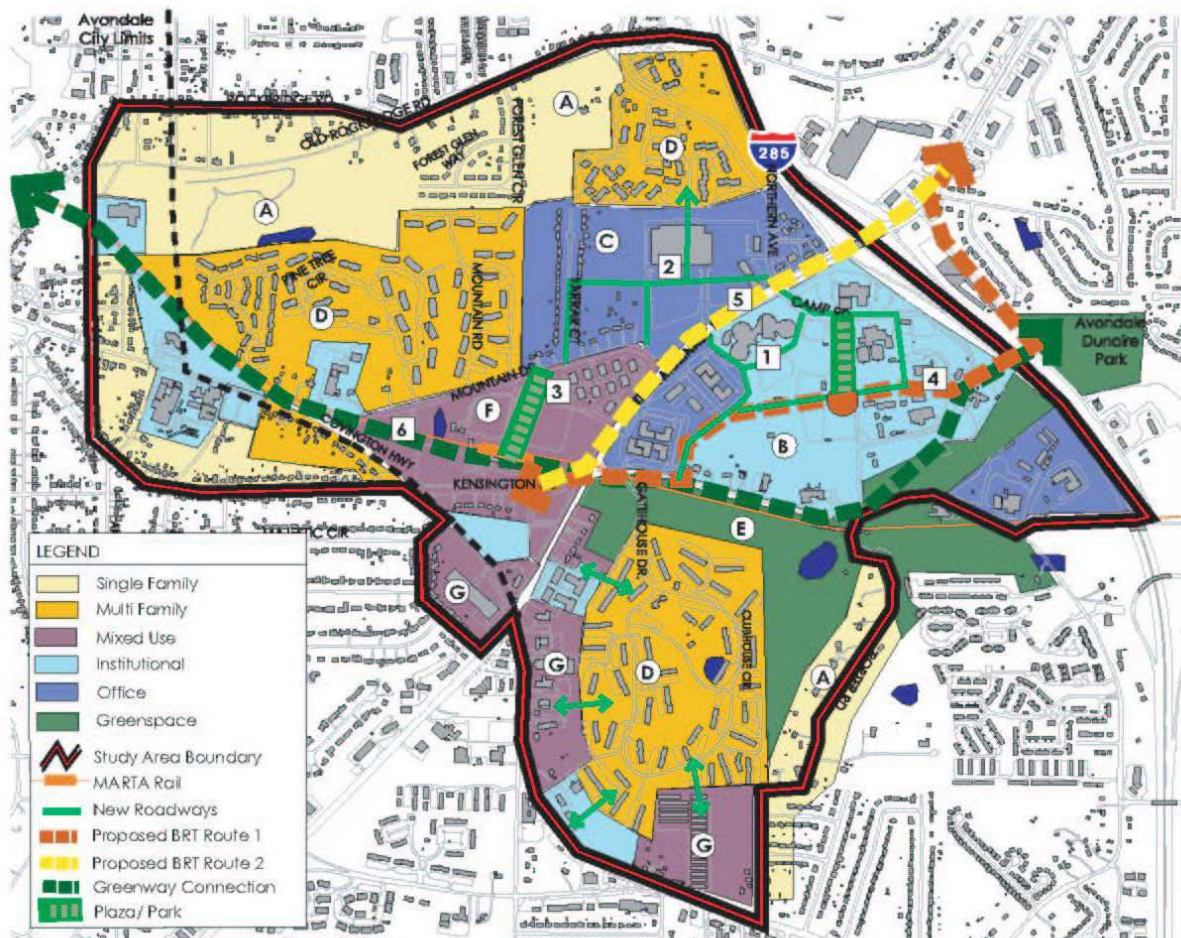


**DeKalb County Supplemental Land Use Report for Small Area Plans (SAPs)**  
**Kensington Station Livable Centers Initiative (LCI)**

**Kensington LCI Concept Plan**

The LCI Study Area Concept Plan is a compilation of future land use patterns and transportation and circulation improvements designed to create a more pedestrian-friendly and transit-oriented environment in and around the study area. The plan incorporates seven (7) land use initiatives and six (6) transportation and circulation improvements and enhancements. In general, they encourage increased density in the heart of the study area surrounding the Kensington MARTA Station, and reduced densities of development moving to towards the periphery and the surrounding single family residential areas.

The LDG-Phoenix Project is located in the **(G) Mixed Use Redevelopment** node of the Kensington Station LCI Study area. See the map below for detail.



**Kensington Station LCI Concept Plan and Project Location Map**

**DeKalb County Supplemental Land Use Report for Small Area Plans (SAPs)**  
**Kensington Station Livable Centers Initiative (LCI)**

Future Land Use Plan Strategies	Compliant with Kensington LCI Plan Land Use Policy			Additional Justification
	Yes	No	N/A	
<b>A. Single Family Preservation</b>				
1. Density Buffering - Provide a density buffer between the higher-density uses proposed for the heart of the station area and the single-family neighborhoods that are adjacent.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
2. The immediate station area will be developed to a higher density than that of the surrounding community. By decreasing the density and size of the development as it moves away from the station towards the existing neighborhoods, the residential areas will not be overwhelmed by the new construction.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Yes, but only partially as the 2012 supplemental study identifies as the first major goal to generate mixed-income
<b>B. DeKalb County Government Center Node</b>				
1. Facilitate the establishment of a DeKalb "Government Center" on the existing county land around the Detention Center. This would occur through the consolidation and relocation of departments scattered throughout the County, and the construction of new administrative facilities and new juvenile court facility.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
2. In addition, a new open space quadrangle would be included, serving as a focal point for the development area.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
3. The Government Center would also be served by a BRT stop located at some point within the campus.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
<b>C. Regional Employment Center</b>				
1. Support the development of an "Employment Center" on the Roberds site and adjacent single family neighborhood on Farrar Court. The Roberds building is currently being leased by the County for use as a Tax Commissioner's service center. With the development of the Kensington Station site and the creation of a "Government Center", this area would be primed for growth.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	
2. The "Employment Center" could include a high-density office development and associated conference center.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	
3. Density should be concentrated towards Mountain Drive and Memorial Drive, thinning as development moves north.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
4. New multi-family development at the north of the site would assist in the transition from high-density office to the adjacent Avondale Crossing Apartments.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
5. In addition, the pedestrian connection between the MARTA station and the Employment Center would be strengthened with the construction of new access roads and a transit plaza on the MARTA site, oriented towards Mountain Drive, and with pedestrian improvements to Mountain Drive itself.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		Pedestrian connectivity must be strengthened
6.				

**DeKalb County Supplemental Land Use Report for Small Area Plans (SAPs)**  
**Kensington Station Livable Centers Initiative (LCI)**

<b>D. Multi-Family Redevelopment</b>				
Anticipate long-term redevelopment of the aging multi-family housing stock. The housing that exists, both north and south of the station area, is older and not in good condition. As conditions in and around the study area improve, these developments will be upgraded.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
<b>E. Open Space Enhancements</b>				
1. Preserve and expand greenspace. Use the station area to connect to the County greenway system, from the PATH connection at Avondale Middle School to Avondale Dunwoody Park across I-285.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Pedestrian connectivity needs strengthening
2. This would be accomplished by improving pedestrian conditions and adding bike lanes along Covington Highway and Kensington Road, and by developing the land alongside the MARTA tracks into a greenway. This greenway park would extend from Kensington Road, south of Memorial Drive, into the Government Center and across the highway to the park, via a new overpass shared with BRT.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	Pedestrian connectivity needs strengthening
<b>F. Kensington MARTA Station Mixed-Use Redevelopment</b>				
1. Redevelop the Kensington Station area as a mixed-use community, with high-density housing, office, retail and open space. This is a multi-phase and long-term development, beginning on the parcel adjacent to the MARTA access drive and Memorial Drive and extending into the existing MARTA surface parking.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	The project does not meet the requirement of mixed use.
2. This development would consist of street level retail, topped with multi-family housing.	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input type="checkbox"/> N/A	The project fails to include street level retail
3. Development would continue on both sides of the station, including a retail "Main Street", additional multi-family housing, and single family attached housing.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
<b>G. Mixed-Use Redevelopment</b>				
1. Develop mixed-use along Memorial Drive and Covington Highway, replacing aging and scattered neighborhood-serving retail.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
2. The existing services would be consolidated, perhaps served in the future by a shared parking deck.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A	
3. New development should incorporate residential uses to enhance the area as a 24-hour community.	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	

**DeKalb County Supplemental Land Use Report for Small Area Plans (SAPs)**  
**Kensington Station Livable Centers Initiative (LCI)**

Transportation and Circulation Strategies	Compliant with Kensington LCI Transportation Strategies			Additional Justification
	YES	NO	N/A	
<p><b>1. Government Center Improvements</b></p> <p>Strategy: As the Government Center develops, create in internal street grid to serve the new facilities. In addition, a BRT station would be located in the midst of the Center, providing quick access to the Kensington MARTA station for DeKalb workers and patrons. The construction of a centralized pedestrian plaza to improve the aesthetics of the area as well as provide a pedestrian amenity and gathering area for employees and visitors to the “Government Center”. Transportation &amp; Streetscaping Improvements include:  Camp Drive: “AVENUE”  The Avenue is more appropriate for the entry, formal and ceremonial roadways (<i>check all that apply</i>):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A 104-foot minimum right-of-way requirement;</li> <li><input checked="" type="checkbox"/> Vehicular lanes 12 feet in width;</li> <li><input checked="" type="checkbox"/> Median and median trees;</li> <li><input type="checkbox"/> Left-turn lanes without the loss of on-street parking;</li> <li><input type="checkbox"/> A narrow sidewalk and wide planting strip for setback development;</li> <li><input type="checkbox"/> Bike lane that extends the bicycle network beyond the Greenway Connection.</li> </ul> <p>Access/ Spine Roads: “ROAD”  This cross-section is appropriate for streets that front buildings with larger setbacks. (<i>check all that apply</i>):</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Vehicular lanes 12 feet in width;</li> <li><input type="checkbox"/> No on-street parking;</li> <li><input type="checkbox"/> A narrow sidewalk and wide planting strip for setback development.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<p><b>2. Employment Center Improvements</b></p> <p>Strategy: In order to encourage development of the Employment Center, create a new internal street grid. This will improve access from Mountain Drive, Memorial Drive and Northern Avenue, as well as provide opportunities for pedestrian connections to adjacent residential neighborhoods. Ultimately this new street grid will facilitate pedestrian connections to MARTA thereby enhancing its visibility as an employment and conference center. Transportation &amp; Streetscaping Improvements include:  Entry Road: “AVENUE”</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> A 104-foot minimum right-of-way requirement;</li> <li><input type="checkbox"/> Vehicular lanes 12 feet in width;</li> <li><input type="checkbox"/> Median and median trees;</li> <li><input type="checkbox"/> Left-turn lanes without the loss of on-street parking;</li> <li><input type="checkbox"/> A narrow sidewalk and wide planting strip for setback development;</li> <li><input type="checkbox"/> Bike lane that extends the bicycle network beyond the Greenway Connection.</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

**DeKalb County Supplemental Land Use Report for Small Area Plans (SAPs)**  
**Kensington Station Livable Centers Initiative (LCI)**

<p>Access/ Spine Roads: “ROAD”</p> <p><input type="checkbox"/> Vehicular lanes 12 feet in width;</p> <p><input type="checkbox"/> No on-street parking;</p> <p><input type="checkbox"/> A narrow sidewalk and wide planting strip for setback development.</p>				
<p><b>3.Kensington Station Improvements</b></p> <p>Strategy: Develop a transit plaza linking the station to Mountain Drive, and creating a centralized pedestrian-friendly place. This plaza would be ringed with a one-way access road and parallel parking. The existing MARTA access road linking Memorial Drive to Mountain Drive would be improved. The plaza will provide a unique opportunity for improving aesthetics of the area by enabling public art, public gathering and a forum for community events. Transportation &amp; Streetscaping Improvements include:</p> <p>Kensington Road: “MAIN STREET”</p> <p>This cross section allows for any street section with higher density retail, office, or residential uses.</p> <ul style="list-style-type: none"> <li>■ 72 feet minimum right-of-way</li> <li>■ On-street parking 9 feet in width;</li> <li>■ Vehicular lanes 12 feet in width;</li> <li>■ Sidewalks 5 ft in width</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Partially complies.
<p><b>4. Bus Rapid Transit Long-Term Alternative</b></p> <p>Transit usage in the Memorial Drive corridor is currently very high, and MARTA is planning improvements to the corridor’s transit service. The Kensington LCI plan provides for both short-term and long-term transit improvements.</p> <p>Long-Term Strategy: Improve transit service through the creation of a Bus Rapid Transit (BRT) system. With dedicated right-of-way, enhanced transit shelters/stations, as well as signal prioritization, BRT will allow a level of transit service that is less dependent on vehicular service levels. BRT will originate at the existing Kensington Station bus/BRT turnaround and proceed to Kensington Road across Memorial Drive in a dedicated transit right-of-way (as depicted on the following graphic).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<p><b>5. Bus Rapid Transit Short-term Alternative</b></p> <p>Short-Term Strategy: Provide signal prioritization improvements on Memorial Drive. Similar to DeKalb County’s successful pilot project on Candler Road, buses on Memorial Drive will be equipped with signal prioritization equipment, allowing the extension of green lights and the improvement of bus performance. In this short-term improvement, MARTA buses will still run within Memorial Drive (i.e. in lanes shared with other traffic) and serve current bus stops. Little infrastructure investment will be required beyond signal control and equipment installation, so start-up costs will be minimal. MARTA buses with signal prioritization will run on the current route – originating at the Kensington MARTA Station bus turnaround to Kensington Road, turning left on to Memorial Drive heading east across Interstate 285 towards Stone Mountain. Although transit service will increase with</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

**DeKalb County Supplemental Land Use Report for Small Area Plans (SAPs)**  
**Kensington Station Livable Centers Initiative (LCI)**

the short-term signal prioritization improvements, the effects of increased transit service on land use will be minimal since there are few infrastructure improvements to the transit route or bus stops.				
<b>6. Greenway Connection Improvements</b> Strategy: Use the station area to connect to the County greenway system, from the PATH connection at Avondale Middle School to Avondale Dunaire Park across I-285. This would be accomplished by improving pedestrian conditions and adding bike lanes along Covington Highway and Kensington Road, and by developing the land alongside the MARTA tracks into a greenway. This greenway park would extend from Kensington Road, south of Memorial Drive, into the Government Center and across the highway to the park, via a new overpass shared with BRT.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Plan calls for bicycle lanes; partially complies with 10-foot multi-use;
Additional strategies, policies, and implementation guidelines to further justify staff recommendation:  Site should have additional public bike racks along street frontage in addition to the number of racks required by Article 6 in order to serve the proposed PATH and future bicycle facilities residents and employees will use.				



**Furman, Melora L.**

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**Subject:** FW: Zoning Comments

**From:** Keeter, Patrece  
**Sent:** Tuesday, February 20, 2018 3:04 PM  
**To:** Hill, LaSondra <[lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov)>  
**Cc:** Eisenberg, Marian <[meisenberg@dekalbcountyga.gov](mailto:meisenberg@dekalbcountyga.gov)>  
**Subject:** Zoning Comments

N9. 244 units with one access point is violates code section 14-200 (5). 3 access points are required. Kensington Road is a collector. 35 feet of right of way is required with 4 foot bike lanes. (Chapter 14-190 of Land Development Code). In lieu of bike lanes, a 10 multiuse path can be constructed. A six foot sidewalk, 10 foot (combination front and back of sidewalk) landscape strip and street lights are required (Zoning Code Chapter 5, Page 14). All public infrastructure must be on right of way, including sidewalks and street lights. Extend the sidewalks to the intersection of Kensington Road and Covington Hwy within right of way.

Patrece Keeter  
[pkkeeter@dekalbcountyga.gov](mailto:pkkeeter@dekalbcountyga.gov)  
Engineering Manager  
DeKalb County Department of Public Works, Transportation Division

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1950 West Exchange Place  
Suite 400  
Tucker, Georgia 30084

 770-492-5281  
 678-758-3860  
<http://www.dekalbcountyga.gov>





**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](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

**COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER**

Case No.: Z-18-22040

Parcel I.D. #: 15-250-06-001 through -006

Address: 3337, 3345, 3361, 3367 and 3375 Kensington Road

Decatur, Georgia

**WATER:**

Size of existing water main: 8" CI Water Main (adequate/inadequate)

Distance from property to nearest main: 100+ Feet Southwest from the Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: Cobb Fowler Creek Basin

Is sewer adjacent to property: Yes ( ) No (X) If no, distance to nearest line: 113+ Feet Southwest of the property

Water Treatment Facility: Snapfinger WWTP ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 21.77 (MGPD)

**COMMENTS:**

\* Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the anticipated capacity needs associated with your project.

Signature: 

## DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

2/14/2018

→ N.9

Z-18-22040/15-250-06-001 through -006

3337,3345,3353,3361,3367 and 3375 Kensington Road, Decatur, A

☐ Amendment

- Please see general comments.

N.10

SLUP-18-222032/16 100 06 004

2053 South Stone Mountain, Lithonia , GA

☐ Amendment

- Note: Septic system installed in on property 2-16-1961. Septic system was repaired on 8/21/2003.
- Contact Division of Environmental Health regarding septic system capacity. Please see general comments.

N.11

CZ-18-22045/15-085-01-036-037 and 15-096-01-002, -009,010,- 071

3130,3138,3158,3220,3224, and 3234 Snapfinger Road, Decatur, GA

☐ Amendment

- Septic system installed on 6/3/2014 on property 3138 Snapfinger Road, Decatur.
- Please see general comments.

N.12

TA-18-22052

The Bouldercrest-CedarGrove-Moreland Overlay District Table

☒ Amendment

- Please see general comments.



02/14/2018

To: Ms. Madolyn Spann, Planning Manager  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an **on-site sewage disposal system**, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation, Hotel Accommodation or **swimming pool** prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a pre-existing sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

**DeKalb County School District  
Zoning Review Comments**

Analysis Date: 2/12/2018

**Submitted to:** DeKalb County

**Case #:** Z-18-22040

**Name of Development:** Phoenix Station

**Parcel #:** 15-250-06-001/2/3/4/5/6

**Location:** Kensington Road near Covington Hwy

**Description:** Former single-family lots redeveloped into an apartment complex with 244 units.

**Impact of Development:** When fully constructed, this development would be expected to house 15 students: 5 at Avondale ES, 3 at Druid Hills MS, 2 at Druid Hills HS, 4 at other DCSD schools and 1 in private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Avondale ES	Druid Hills MS	Druid Hills HS	Other DCSD Schools	Private Schools	Total
Capacity	678	1,182	1,405			
Portables	0	0	0			
Enrollment (Foct. Oct. 2018)	510	947	1,302			
Seats Available	168	235	103			
Utilization (%)	75.2%	80.1%	92.7%			
<b>New students from development</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>16</b>

New Enrollment	515	950	1,304
New Seats Available	163	232	101
New Utilization	76.0%	80.4%	92.8%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.019265	0.013124	0.002128	0.083826
Middle	0.010955	0.002483	0.001419	0.029085
High	0.007895	0.002365	0.000946	0.045046
<b>Total</b>	<b>0.0381</b>	<b>0.0180</b>	<b>0.0045</b>	<b>0.1580</b>
<b>Student Calculations</b>				
Proposed Units	244			
Unit Type	APT			
Cluster	Druid Hills			
Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	4.70	3.20	0.52	8.42
Middle	2.67	0.61	0.35	3.63
High	1.93	0.58	0.23	2.74
<b>Total</b>	<b>9.30</b>	<b>4.39</b>	<b>1.10</b>	<b>14.79</b>
Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Avondale ES	5	3	1	9
Druid Hills MS	3	1	0	4
Druid Hills HS	2	1	0	3
<b>Total</b>	<b>10</b>	<b>5</b>	<b>1</b>	<b>16</b>

DeKalb County Board of Commissioners and Staff

It has come to our attention that the City of Avondale has voiced their opposition to LDG's proposed "Phoenix Station" development at the corner of Kensington Road and Memorial Drive. This opposition is being voiced from both The Avondale City Council and a group of neighbors. It is with this in mind that we respectfully submit the following letter for your consideration.

1. Although the zoning classification we are requesting does not require a mixed-use component we are anticipating 3000-5000 sq. ft. of office space including LDG's First Georgia Office. As previously stated, LDG is committed the revitalization of this area in DeKalb County.
2. LDG Development has in fact presented a proposal that embraces, DeKalb County Government's goals, objectives, guidelines and policies, as stated by the "DeKalb County Comprehensive Plan 2035"

According to the "DeKalb County Comprehensive Plan 2035":

- a. Issue: "The location of affordable housing is often away from major amenities, employment centers and higher-income neighborhoods" (Chapter 5-Issues and Opportunities, pg. 44)  
  
Opportunity: "DeKalb has proximity to downtown Atlanta and many growing in -town neighborhoods. (Chapter 5-Issues and Opportunities, pg. 44)
- b. Issue: "Multi-family - Many older multi-family developments are suffering from physical deterioration and are often concentrated in areas with higher poverty rates." (Chapter 5-Issues and Opportunities, pg. 43)  
  
Opportunity: "Many new re-developments have added density and a diversity of housing types and options." (Chapter 5-Issues and Opportunities, pg. 43)
- c. Issues: " 1. Areas with high levels of development have raised density and traffic concerns amongst existing residents. 2. Traffic congestion and commute times, especially around high growth areas, could impact future development and zoning decisions. 3. Some high intensity uses are not adequately served by public transportation" (Chapter 5-Issues and Opportunities, pg. 43)  
  
Opportunity: "The increased acceptance and demand for Transit Oriented Development (TOD) has increased redevelopment opportunities around existing MARTA stations." (Chapter 5-Issues and Opportunities, pg. 43)
- d. Issue: " Many subdivisions built over the last 30 years are in need of increased upkeep, maintenance or rehabilitation." (Chapter 5-Issues and Opportunities, pg. 44)  
  
Opportunity: "Higher Density and housing types are increasing within some new developments allowing for more housing options." (Chapter 5-Issues and Opportunities, pg. 44)
- e. "In 2000 there were nearly twice as many jobs as housing units in DeKalb County. The total occupied units include owners and renters. This trend is expected to continue into the future. According to these statistics, there is and will continue to be a need for additional housing units in DeKalb County." (Chapter 2-Quality of Life Elements, pg. 20)



- f. "Perhaps, if additional and mixed housing units were provided in the county more employees would be willing to reside in the County, potentially decreasing automobile dependency, traffic congestion and pollution and also improve the economy as less money would be spent outside of the county where wages are paid." (Chapter 2-Quality of Life Elements, pg. 20)
- g. "Identify and encourage the development of priority areas for new infill or redevelopment." (Chapter 7-Land Use, Policies, pg. 58)
- h. "Improve the aesthetic appearance of developments along major corridors." (Chapter 7-Land Use, Policies, pg. 58)
- i. "Encourage development within and near principal transportation corridors and activity centers." (Chapter 7-Land Use, Policies, pg. 58)
- j. "Encourage Transit Oriented Development (TOD) in appropriate locations" (Chapter 7-Land Use, Policies, pg. 58)
- k. "Encourage the use of buffers by large scale office, commercial, industrial, institutional and high density residential development to reduce noise and air pollution in residential neighborhoods. (Chapter 7-Land Use, Policies, pg. 59)
- l. "Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Regional Center shall be targeted to a broad range of income levels." (Chapter 7-Land Use, Regional Center Character Area Policies, pg. 59)
- m. "Kensington MARTA Station Mixed -Use Redevelopment - Develop high -density housing/office/retail uses." (Chapter 7-Land Use, Kensington Station Activity Center, F. pg. 87)

Additionally,

LDG Development has presented a proposal that supports MARTA's long term vision to "create transit-oriented communities that connect people to opportunities and drive sustainable community development", as well as, the DeKalb County Board of Commissioners', Management Team's and Planning Team's goals and objectives, as outlined by the **"Kensington Livable Centers Initiative: Transit Oriented Development Plan"** dated September 7, **2012**.

According to the **"Kensington Livable Centers Initiative: Transit Oriented Development Plan"**:

- a. "The substantial employment base in and around the study area will be another market for new retail and residential development." (Section 2.4- Demographics and Market, pg. 17)
- h. "A survey of apartment communities around the study area shows wide variation in age, rents and occupancy rates. The newest communities had the highest rents – \$820 to \$1,100 for one-bedroom units and \$1,060 to \$1,280 for twos. Occupancy rates for six of the ten communities surveyed were 90 percent or above." (Section 2.4- Demographics and Market, pg. 18)



- c. "A critical strategy in support of commercial and office space vitality in the study area is to encourage the addition of housing units. Housing is an important component of the vision for Kensington and residential development can serve as a crucial catalyst for retail expansion." (Section 4.6- Economic Development Recommendations, pg. 53)
- d. "The residential market analysis identifies significant opportunities for the area and specific target markets for new housing. Housing should be encouraged and promoted as a key component to development projects in Kensington." (Section 4.6- Economic Development Recommendations, pg. 53)
- e. "Age of Housing: Housing in the 2-mile radius surrounding the Study Area tends to be older than that in the residential market area and DeKalb County. Median year built for housing in these geographies ranges from 1973 near the Study Area to 1979 in DeKalb County." (Residential and Commercial Market Analysis; Section 3- Residential Market Analysis, pg. 9)
- f. "Based on an evaluation of the surrounding housing market, the competitive supply, the attributes of the Study Area and Marketek's experience in facilitation of residential development, we estimate that during the first ten years of development, approximately 670 for sale and 1,026 rental units could be absorbed in the Study Area." (Residential and Commercial Market Analysis; Section 3- Residential Market Analysis, Estimated Potential Demand, pg. 15)
- g. "Combined, there is demand for 1,696 housing units in the Kensington LCI TOD Study Area, 40 percent ownership and 60 percent rental." (Residential and Commercial Market Analysis; Section 3- Residential Market Analysis, Estimated Potential Demand, pg. 15)
- h. "The projection for potential demand for housing in the Study Area assumes that development will begin as the economy stabilizes and Atlanta enters another period of growth. These projections also assume there will exist marketable rental and for-sale housing product and that an aggressive marketing program for new housing will be underway. The recommended housing types would include primarily newly constructed apartments, condominiums and townhouses, with a small share of small-lot single-family detached homes." (Residential and Commercial Market Analysis; Section 3- Residential Market Analysis, Estimated Potential Demand, pg. 15)

We feel this proposed development more than supports MARTA's long term vision and fulfills the core values of the **"DeKalb County Comprehensive Plan 2035"** and the **"Kensington Livable Centers Initiative; Transit Oriented Development Plan"** by providing an opportunity for all residents of DeKalb County to have affordable, safe, and sanitary housing through a very creative design approach that revitalizes vacant and underutilized land while embracing the unique character of the neighborhood.

- 3. The idea that this project is in a food desert (as stated by one of the opposition speakers at the BOC meeting in March) is absurd. From the intersection of Kensington and Memorial Drive to intersection of Columbia Drive and Mem Dr. which is to the WEST of the proposed development. There is a full-service Walmart on Memorial Drive just east of Columbia Drive, and an expanded Kroger just west of there. Both are well maintained and fully stocked. The distance is 1.6 miles, which is a 32 min walk, an 11 min bus ride with bus running every 30 min and only 3 min by car. Also, the DeKalb Farmers Market is just 2 miles away; only a short drive and accessible by using MARTA.





4. The idea (also stated) that this area lacks recreational and health amenities is also misleading. This proposal includes community space, a swimming pool, exercise room, a commercial grade playground and is within walking distance to MARTA which is also a pedestrian activity AND it is only 1.2 miles from an access point to the Stone Mountain Multi-use Trail (accessed at No. Clarendon and Loreda Dr.). This is a 25 min walk, a 4 min car ride or an 8 min bus ride from the station.
5. In terms of the need to have a mixed-use development, and a "destination" for the area, this is all happening on the north side of the station "Avondale Hills and "Avondale Park", or on the south side of Memorial Drive at Kensington Rd. where there is a HUGE amount of vacant property where an office complex was demolished'. Not to mention the half empty, underutilized shopping center on the west side of Memorial Drive just a mile to the east of project site, outside I-285). Reusing this old shopping center as a destination and mixed-use area would be much better for the community than new construction of one where LDG wants to provide quality housing in an area of high need around a MARTA station.

Thank you very much for your consideration.

We look forward to working with you and hope to move forward with this much needed development.



*Christopher M. Byrd, Development Manager*  
*LDG Development, LLC*  
*1469 S 4th Street*  
*Louisville, KY 40208*  
*Mobile: 502-345-1578*





# DeKalb County Department of Planning & Sustainability

Michael L. Thurmond  
Chief Executive Officer

Andrew A. Baker, AICP  
Director

## APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

Z/CZ No. \_\_\_\_\_  
Filing Fee

Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

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

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

Applicant Phone: 404-601-7616 Fax: 404-745-0045

\*\*\*\*\*  
Owner(s): See Attached E-Mail: \_\_\_\_\_  
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: \_\_\_\_\_

Owner(s) Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address/Location of Subject Property: See Schedule 1 Attached Hereto

District(s): 15 Land Lot(s): 250 Block: 06 Parcel(s): 001 - 006

Acreage: 2.834 Commission District (s): 4 & 6

Present Zoning Category: R-75 Proposed Zoning Category: HR-3

Present Land Use Category: Regional Center

\*\*\*\*\*

### 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 Contribution

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 X 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 of the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

May 04, 2020  
EXPIRATION DATE / SEAL



SIGNATURE OF APPLICANT / DATE

Book One: Owner \_\_\_\_\_ Agent \_\_\_\_\_

330 West Ponce de Leon Avenue, Suite 100-500 - Decatur, Georgia - 30030  
[voice] 404.371.2155 - [Planning Fax] 404.371-4556 [Development Fax] (404) 371-3007  
Web Address: <http://www.dekalbcountyga.gov/planning>  
Email Address: [planninganddevelopment@dekalbcountyga.gov](mailto:planninganddevelopment@dekalbcountyga.gov)

**LDG DEVELOPMENT, LLC**

**REZONING APPLICATION**

**LIST OF OWNERS AND PROPERTY INFORMATION**

**Owner:** Rickie A. Clements  
**Owner**  
**Address:** 3367 Kensington Road  
Decatur, GA 30032  
**Tax Parcel:** 15 250 06 002  
**Address:** 3367 Kensington Road  
**Zoned:** O-I (CZ-04107)

**Owner:** Reta Horton  
**Owner**  
**Address:** 1471 Northside Drive NW  
Conyers, GA 30012  
**Tax Parcel:** 15 250 06 005  
**Address:** 3345 Kensington Road  
**Zoned:** O-I (CZ-04-015)

**Owner:** CVRS Holdings, LLC  
**Owner**  
**Address:** 1845 Satellite Blvd, Suite 750  
Duluth, GA 30097

**Multiple Tax**

<b>Parcels/Address:</b> 15 250 06 004	3353 Kensington Road	<b>Zoned:</b> R-75
15 250 06 003	3361 Kensington Road	<b>Zoned:</b> R-75
15 250 06 001	3375 Kensington Road	<b>Zoned:</b> O-I (CZ-04-055)
15 250 06 006	3337 Kensington Road	<b>Zoned:</b> R-75

DeKalb County Board of Commissioners and Staff

It has come to our attention that the City of Avondale has voiced their opposition to LDG's proposed "Phoenix Station" development at the corner of Kensington Road and Memorial Drive. This opposition is being voiced from both The Avondale City Council and a group of neighbors. It is with this in mind that we respectfully submit the following letter for your consideration.

1. Although the zoning classification we are requesting does not require a mixed-use component we are anticipating 3000-5000 sq. ft. of office space including LDG's First Georgia Office. As previously stated, LDG is committed the revitalization of this area in DeKalb County.
2. LDG Development has in fact presented a proposal that embraces, DeKalb County Government's goals, objectives, guidelines and policies, as stated by the "DeKalb County Comprehensive Plan 2035"

According to the "DeKalb County Comprehensive Plan 2035":

- a. Issue: "The location of affordable housing is often away from major amenities, employment centers and higher-income neighborhoods" (Chapter 5-Issues and Opportunities, pg. 44)  
  
Opportunity: "DeKalb has proximity to downtown Atlanta and many growing in -town neighborhoods. (Chapter 5-Issues and Opportunities, pg. 44)
- b. Issue: "Multi-family - Many older multi-family developments are suffering from physical deterioration and are often concentrated in areas with higher poverty rates." (Chapter 5-Issues and Opportunities, pg. 43)  
  
Opportunity: "Many new re-developments have added density and a diversity of housing types and options." (Chapter 5-Issues and Opportunities, pg. 43)
- c. Issues: " 1. Areas with high levels of development have raised density and traffic concerns amongst existing residents. 2. Traffic congestion and commute times, especially around high growth areas, could impact future development and zoning decisions. 3. Some high intensity uses are not adequately served by public transportation" (Chapter 5-Issues and Opportunities, pg. 43)  
  
Opportunity: "The increased acceptance and demand for Transit Oriented Development (TOD) has increased redevelopment opportunities around existing MARTA stations." (Chapter 5-Issues and Opportunities, pg. 43)
- d. Issue: " Many subdivisions built over the last 30 years are in need of increased upkeep, maintenance or rehabilitation." (Chapter 5-Issues and Opportunities, pg. 44)  
  
Opportunity: "Higher Density and housing types are increasing within some new developments allowing for more housing options." (Chapter 5-Issues and Opportunities, pg. 44)
- e. "In 2000 there were nearly twice as many jobs as housing units in DeKalb County. The total occupied units include owners and renters. This trend is expected to continue into the future. According to these statistics, there is and will continue to be a need for additional housing units in DeKalb County." (Chapter 2-Quality of Life Elements, pg. 20)



- f. "Perhaps, if additional and mixed housing units were provided in the county more employees would be willing to reside in the County, potentially decreasing automobile dependency, traffic congestion and pollution and also improve the economy as less money would be spent outside of the county where wages are paid." (Chapter 2-Quality of Life Elements, pg. 20)
- g. "Identify and encourage the development of priority areas for new infill or redevelopment." (Chapter 7-Land Use, Policies, pg. 58)
- h. "Improve the aesthetic appearance of developments along major corridors." (Chapter 7-Land Use, Policies, pg. 58)
- i. "Encourage development within and near principal transportation corridors and activity centers." (Chapter 7-Land Use, Policies, pg. 58)
- j. "Encourage Transit Oriented Development (TOD) in appropriate locations" (Chapter 7-Land Use, Policies, pg. 58)
- k. "Encourage the use of buffers by large scale office, commercial, industrial, institutional and high density residential development to reduce noise and air pollution in residential neighborhoods. (Chapter 7-Land Use, Policies, pg. 59)
- l. "Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Regional Center shall be targeted to a broad range of income levels." (Chapter 7-Land Use, Regional Center Character Area Policies, pg. 59)
- m. "Kensington MARTA Station Mixed -Use Redevelopment - Develop high -density housing/office/retail uses." (Chapter 7-Land Use, Kensington Station Activity Center, F. pg. 87)

Additionally,

LDG Development has presented a proposal that supports MARTA's long term vision to "create transit-oriented communities that connect people to opportunities and drive sustainable community development", as well as, the DeKalb County Board of Commissioners', Management Team's and Planning Team's goals and objectives, as outlined by the **"Kensington Livable Centers Initiative: Transit Oriented Development Plan"** dated September 7, **2012**.

According to the **"Kensington Livable Centers Initiative: Transit Oriented Development Plan"**:

- a. "The substantial employment base in and around the study area will be another market for new retail and residential development." (Section 2.4- Demographics and Market, pg. 17)
- h. "A survey of apartment communities around the study area shows wide variation in age, rents and occupancy rates. The newest communities had the highest rents – \$820 to \$1,100 for one-bedroom units and \$1,060 to \$1,280 for twos. Occupancy rates for six of the ten communities surveyed were 90 percent or above." (Section 2.4- Demographics and Market, pg. 18)





- c. "A critical strategy in support of commercial and office space vitality in the study area is to encourage the addition of housing units. Housing is an important component of the vision for Kensington and residential development can serve as a crucial catalyst for retail expansion." (Section 4.6- Economic Development Recommendations, pg. 53)
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Thank you very much for your consideration.

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*Christopher M. Byrd, Development Manager*  
*LDG Development, LLC*  
*1469 S 4th Street*  
*Louisville, KY 40208*  
*Mobile: 502-345-1578*



**ADDENDUM TO**  
**STATEMENT OF INTENT AND**  
**IMPACT ANALYSIS**

and

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

of

**LDG DEVELOPMENT, LLC**

for

2.83± Acres of Land  
located in  
Land Lot 250, 15th District, DeKalb County

**From R-75 and O-I to HR-3**

Submitted for Applicant by:

Michèle L. Battle, Esq.  
Battle Law, P.C.  
One West Court Square, Suite 750  
Decatur, Georgia 30030  
(404)601-7616 Phone  
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## **I. INTRODUCTION**

The Subject Property is a 2.83+/- acre assembled tract of land located at 3337, 3345, 3353, 3361, 3367 and 3375 Kensington Road, Decatur having frontage on Kensington Road and Covington Highway. The Applicant is seeking to rezone the Subject Property from R-75 and O-I to HR-3 to allow for the development of a 244 multi-family units, at a density of 87 units per acre. The Land Use Designation for the Subject Property is Regional Center. This document is submitted both as an Addendum to the Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and supplement to the previously submitted Impact Analysis for this Application as required by the DeKalb County Zoning Ordinance, § 27-829(f).

## **II. SUPPLEMENTAL INFORMATION**

### **A. APPLICABILITY OF LCI STUDIES PERTAINING TO THE KENSINGTON MARTA STATION TO THE SUBJECT PROPERTY**

On January 31, 2003, Urban Collage, Inc. issued the Kensington Station Livable Centers Initiative Final Report sponsored by the Atlanta Regional Commission and DeKalb County, Georgia (the "2003 LCI Report"). The Kensington Station LCI study area was comprised of, amongst other things, the Kensington MARTA Station, together with numerous multi-family apartments, office parks and surrounding single-family neighborhoods. The Subject Property was apart of the 2003 LCI Report.

Based upon the analysis set forth in the 2003 LCI Report, the Subject Property in the LCI Study Area Concept Plan on Page 46 (the “LCI Concept Plan”) is proposed for mixed use development. See Exhibit “A” attached hereto and by this reference incorporated herein. Additionally, Kensington Road between Covington Highway and Memorial Drive is to be converted into “Main Street” with on-street parking, 5ft sidewalks, and “high density retail, office or residential use.” These improvements were proposed to be phased in with the development of the surrounding proposed as set forth in Section 2.5 of the 2003 LCI Report as follows:

1A. *Kensington Commercial Center*. Another part of the first phase (Phase 1-A) is on the southwest corner of Kensington Road and Memorial Drive. This portion of MARTA-owned land would be developed for a large tenant retail use, possibly an “urban” grocery store. It would be sited to include adequate surface parking, with consideration made for the future addition of a shared deck internal to the block.

2. *Kensington Commercial Center Main Street*. The second phase would occur along Kensington Drive, between Memorial Drive and Covington Highway. This would be developed as a multi-use “Main Street.” Parallel parking would be added to both sides of the street west of the MARTA bus entrance, taking from existing travel lanes on what is currently a five-lane road. Street-level retail would line the north and south sides of the drive, topped with one to three floors of multifamily for-rent residential. Parking would be located on surface lots adjacent to the MARTA bus loop, and with an internal deck on the block south of Kensington Road, which would be shared with the retail development from Phase 1-A. This stretch would also have bike lanes connecting the Avondale Middle School site to the MARTA greenway site across Memorial Drive.

It is the contention of the opposition to this Application that the proposed 244 unit affordable housing development proposed by the Applicant does not comply with the 2003 LCI Report, including the vision for “Main Street.” The Applicant disagrees.

The Revised Site Plan submitted to staff on June 1, 2018 indicates the proposed project will contain office space that will be available for lease, which creates a mixed use project. The total square footage of the office space is +/-4,761.44 sq. ft., which includes 1,244 ft for two townhome units and roughly 2,273.44 sq. ft. of office space that will be leased by LDG

Development. The Applicant as indicated that they are willing to condition the Application on providing a minimum of 6,000 sq. ft. of office space by including the converting the proposed residential townhome unit adjacent to the two townhome office units into additional office space.

It should be noted that the mixed use “requirement” stated by the opposition is not in fact a legal requirement under the current DeKalb County Zoning Ordinance adopted in 2015. Despite the issuance of the 2003 LCI Study 15 years again, the County has yet to adopt the mixed-use overlay district proposed as an implementation requirement in the study despite recent efforts. Consequently, there are no development regulations that specific set forth the percentage of non-residential square required. Additionally, there is no requirement under the HR-3 Zoning District Regulations, which is a permitted use under the Subject Property’s Regional Center Land Use Designation, that requires the development of non-residential uses. Therefore, the amount of non-residential usage that may be requested of the Applicant to develop in conjunction with the proposed project is left solely to the discretion of the Board of Commissioners. The Applicant is committed to developing a project that is consistent with the County’s vision for the Kensington MARTA Station area. Yet, the Applicant also must ensure that whatever is built is viable and sustainable both currently, and in the future. The reality is the Subject Property is the only privately-owned property along Kensington Road between Memorial Drive and Covington Highway. In fact, the Subject Property is literally surrounded on all four sides by government land owners. The DeKalb County Juvenile Justice building abuts the Subject Property to the rear. DeKalb County owns a small tract of land at the corner of Covington Highway and Kensington Road which is used for stormwater drainage. MARTA owns the remainder of the property along Kensington Road. To date, since the issuance of the 2003 LCI Study MARTA has not issued a Request for Proposal for the development of its land, and DeKalb County has not implement any

of the transportation improvements proposed under the study. It is the Applicant's belief that any attempt to develop retail along Kensington Road must start with the redevelopment of the MARTA property for it to have any chance being economically feasible. Until then the currently proposed commercial space in the proposed project is sufficient, particularly when combined with the onsite business center and clubhouse. This space allows for residents to have access to a computer, printer/copier and fax machine onsite, which is particularly useful in an area that has no copy or computer facilities such as FedEx/Kinko or UPS Store in the immediate area. Additionally, through third party providers, the Applicant will be providing enrichment courses on site in the clubhouse, such as arts and crafts, after school tutoring, financial literacy courses, resume writing, etc. Developing any other non-residential uses along this corridor at this time would simply be premature.

Finally, while the proposed project does not include a retail component, the Subject Property should not be viewed in a vacuum, nor should requirements be placed on the Applicant to be in 100% compliance with an LCI Study that has not been fully implemented by the County. The entirety of the Kensington MARTA area is intended to be mixed use. It can't possibly be the vision of DeKalb County that literally every parcel shown on the Concept Plan has to be developed for retail/commercial on the first floor and multi-family above. This simply is not logical nor sustainable, particularly in a world that is drastically different from the world 15 years ago before Amazon and other online retailers began chipping away at the local retail industry to the point where retailers are struggling to remain relevant. Furthermore, recent rezoning's around the Kensington MARTA Station have shown that the County understands the need for flexibility in making zoning decisions prior to the implementation of the Overlay District for the area. For example, the rezoning of the properties at 3360, 3458, 3468, and 3478 Mountain Drive by Carlos

Arenas in 2015 were a departure from the proposed uses shown on the 2003 Conceptual Plan. The property at 3360 Mountain Drive which had been developed for 380 apartment units which was shown on the Concept Plan for redevelopment of multi-family units, is now being developed pursuant to CZ-15-19762 for 348 multi-family units together with 114 single family units, and 44,850 sq. ft. of retail/office space, including a grocery store. The property at 3458, 3468, and 3478 Mountain Drive is shown on the Concept Plan as being appropriate for office development, however, pursuant to CZ-15-19943 the County approved the property for development of 106 residential units, and 199,200 sq. ft. of commercial and office development. These rezoning's jump started the resurgence of the Kensington MARTA Station area, which is ironic as it was assumed that development by MARTA or DeKalb County, the two largest land owners in the area, would be the catalyst for bring economic development to the Kensington area. We believe that the proposed project will have the same impact and hopefully encourage MARTA to issue an RFP for the development of its property.

## **B. GENTRIFICATION AROUND KENSINGTON MARTA STATION**

There can be no question that Kensington MARTA Station is in the middle of a resurgence. When the 2003 LCI Study was released there was no way of knowing that in 2018 we would be seeing townhomes listed for sale on Mountain Drive at a starting price of \$324,990, and single-family homes starting at \$410,990. The area around Kensington MARTA Station was the home to shabby market rate single family units that became "affordable" housing units by default due to the quality of the units and the property values in the area. At the time of the 2003 LCI Study the 85% of the residential units in the area were rentals, and 2/3rds of the households had incomes

below \$50,000.00. Yet, despite being a low-income community that many would characterize as having a “concentration of poverty” the people in the community worked, lived and to the extent available, shopped in the area. The resurgence of the Kensington MARTA area, however, is bringing change to the area. Due to a number of factors, including increased property values and property taxes in the City of Atlanta, as well as the City of Decatur, individuals and families are beginning to move into the Kensington MARTA Stations in order to capture more value, which is leading to gentrification.

The approval of the two rezoning application mentioned above on Mountain Drive resulted in 380 “affordable” housing units being demolished. In February of 2018 the 374 unit Avondale Forest apartment complex at 25 and 294 Pine Tree Circle was purchased for in excess of \$15,000,000 (the property was previously sold for \$3,700,000 in 2013) and residents received the notice attached hereto as Exhibit “B” and by this reference incorporated herein advising them that their leases will not be renewed. To the best of the Applicant’s knowledge, Avondale Forest is being redeveloped for market rate units which will be competitive with the other market rate units being developed on Mountain Drive. This means that an additional 374 individuals/families will be displaced from their homes. Finally, in May of 2017 the 89-acre Oak Tree Villas Apartments located at the corner of Kensington Road and Memorial Drive was purchased for in excess of \$36,000,000.00. Based on information received by the Applicant, tenants have begun receiving notices that their rents will be raised to market rental rates, which has the potential to displace hundreds more individuals and families. This is a crisis for those living in this area, as there are few options available as most of the apartment complexes in the area are at capacity, despite the less than optimal conditions in the majority of the apartment housing stock in the area that has an average age of in excess of 40 years.

Affordable housing with direct access across the street from the MARTA Station is now officially gone. The majority of the renters in these apartment complexes were African-Americans in need of affordable housing regardless of the quality of the units. While it is encouraging that these functionally obsolete rental units are being replaced, it is disheartening that the individuals and families who have weathered the storm of economic downturn in the area, will not have the opportunity to stay in an area where townhomes and single-family homes are being sold at 10 times their income level. Currently a studio apartment is being advertised for rent at the new apartment complex at the Sams Crossing MARTA Stations for \$1,300.00. If this is a harbinger of things to come with the market rate rental units at Kensington MARTA Station, none of the individuals currently living in the area will be able to afford to live in the area within the next 12 to 18 months. Therefore, the development of Phoenix Station is crucial in order to provide an opportunity for working individuals and families to stay in the area and benefit from all of the new amenities and development coming to the area. Not one of the proposed multi-family projects coming to the area, or being redeveloped, are required to provide a percentage of affordable units, and even if they were, how will 10 units here and 30 units there address the lost of in excess of 1,000 affordable units in the area within a 3 to 5 year time period.

### C. REQUEST FOR MIXED INCOME

The most fascinating comments that the Applicant has received concerning Phoenix Station is the community's concerns with regard to having a mixed income development. First, neither the DeKalb County Zoning Ordinance, nor the 2003 LCI Study place any mixed income requirements on the development of multi-family housing in DeKalb County or around the Kensington MARTA Station. In fact, the term "mixed income" is only used twice in the 2003 LCI

Study. This first time is on Page 4 In the column labeled “ How to Plan Addresses LCI Goals” in which the following is stated:

**4. Mixed-Income Housing, Job/Housing Match**

- ☐ Housing and price options available
- ☐ Improve ratio of retail/commercial to residential

The second time is on Page 84 concerning the Action Plan where there following is stated:

**4. Mixed-income housing, job/housing match and social issues**

The residential and mixed-use development projects at the Kensington MARTA Station area offer a variety of housing types and price points. These projects include rental flats, for-sale and rental townhomes. Through the mixed-use development, increased retail/commercial, high-density office and institutional development at the Government Center, this plan attempts to balance the number of jobs to households and establishes an area where residents can live work and play.

With respect to affordable housing, the 2003 LCI Study **is silent**. There are no specific references to providing, or even encouraging, the development of affordable housing in and around the MARTA Station, or within the study area; which is stunning based upon the fact that it is clear that the study contemplates the development of hundreds of thousands of commercial and office development which will create job opportunities for individuals across the social-economic sphere. Notwithstanding these fact, there is a push by the opposition to make certain that market rate units are made available in the project.

This again is a curiosity as the same level of concern that has been raised concerning this project has not been raised regarding the provision of affordable units in the market rate projects currently approved and being proposed in the area.

Phoenix Station will not result in creating a concentration of poverty, instead it will prevent the market from excluded low income people from the area. There are currently over 910 new market



rate apartment units either approved or proposed in the Kensington MARTA area, with 0 affordable units proposed or required. **This is unacceptable, particularly around a MARTA Station where in excess of 700 affordable units have been, or are currently being, demolished.**

With all of this said, as a result of the recent changes to the Low-Income Housing Tax Credit Program which the Applicant will be using to fund the development of the proposed project, the income range will be between 30 percent to 80 percent. This will allow for incomes ranging from **\$20,690.00 for a single person household to \$59,840.00 for a four-person household, annually.** Based upon these numbers, the update estimated rents for the project are as follows:

- **30%**  
1BR: \$421  
2BR: \$505  
3BR: \$583
- **60%**  
1BR: \$842  
2BR: \$1011  
3BR: \$1167
- **80%**  
1BR: \$898  
2BR: \$1031  
3BR: \$1344

The Applicant will be required to maintain an average of 60% AMI on the project.

#### **IV. CONCLUSION**

For the foregoing reasons, together with the originally submitted application as amended by this Addendum, 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.

#### ADDITIONAL CONSTITUTIONAL ALLEGATION

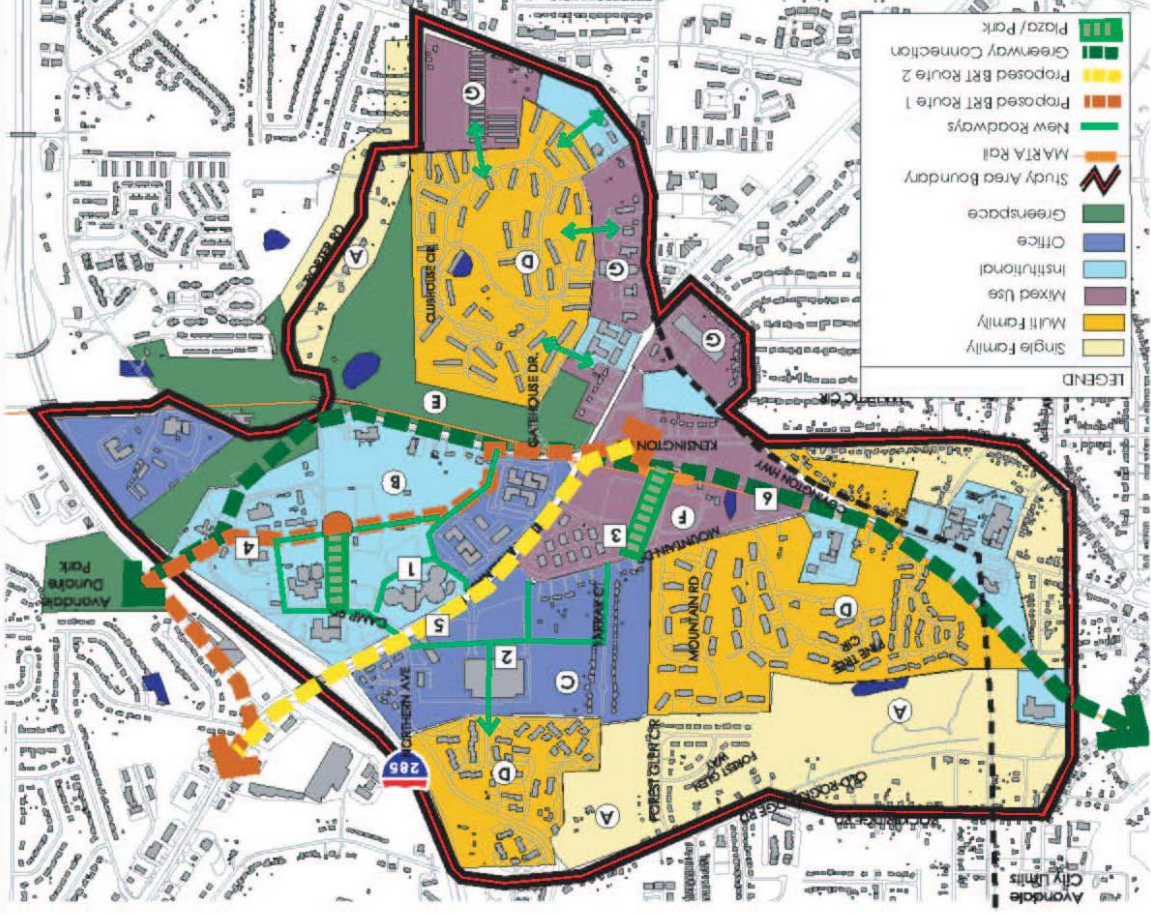
A refusal by the DeKalb County Board of Commissioners to rezone the Subject Property to the classification as requested by the Applicant would be a violation of the Fair Housing Act of 1968, 42 U.S.C. Sections 3601-3619 (2000) as amended, as well as the Georgia Fair Housing Law of 1988, as amended, codified as O.C.G.A. Section 8-3-200 et. seq.



DeKalb County  
**Kensington Station LCI**  
URBAN COLLEGE, INC. Robert Charles Lesser & Co. Glotting Jackson · Huntley & Associates



- SUB-AREAS**
- A Single-Family Preservation**
    - Maintain new and established single-family core along Old Rockbridge, Porter Road, and in Avondale Estates
  - B DeKalb County Government Center Node**
    - Consolidate and relocate existing uses scattered throughout the County
    - Build new government administrative facilities
    - Build new central open space quadrangle
  - C Regional Employment Center**
    - Potentially long-term development site for high-density office development or conference center
    - Redevelop office development compatible with single-family residential to create pedestrian and vehicular connections and access
  - D Multi-Family Redevelopment**
    - Redevelop aging multi-family housing
  - E Open Space Enhancements**
    - Connect existing undeveloped land along MARTA rail alignment to the County's greenway system with trails and pedestrian improvements
  - F Kensington MARTA Station Mixed-Use Redevelopment**
    - Develop high-density housing/office/retail uses
    - Construct Juvenile Justice Administrative Building
  - G Mixed-Use Redevelopment (Scattered Sites)**
    - Redevelop aging neighborhood-oriented retail along Memorial Drive and Conyngham Highway
- Future Transportation and Circulation**
- 1 **Government Center Improvements**
    - Improve and construct street network to accommodate increased vehicular access
    - Construct pedestrian improvements for increased access and safety
  - 2 **Employment Center Improvements**
    - Construct new roadways to provide access for future development sites
  - 3 **Kensington Station Plaza**
    - Develop central open space amenity to include greenspace and hardscape
  - 4 **Bus Rapid Transit Long-Term Alternative 1**
    - Construct BRT lane on north side of Kensington Road within existing right-of-way to extend through the Government Center
    - Construct bridge for BRT and pedestrian access across I-285
    - Construct a BRT station at the Government Center
    - Pedestrian/signwalk improvements
    - Pedestrian signalization at Kensington Road and Memorial Drive
  - 5 **Bus Rapid Transit Short-Term Alternative 2**
    - BRT access in existing right-of-way with prioritized signalization on Memorial Dr.
    - Pedestrian/signwalk improvements
    - Pedestrian signalization at Kensington Road and Memorial Drive
  - 6 **Greenway Connection Improvements**
    - Pedestrian/signwalk improvements
    - Connect County's greenway system at Avondale Middle School to Avondale Park



LCI STUDY AREA CONCEPT PLAN  
November, 2002

EXHIBIT B

## **Avondale Forest Apartments**

3330 Mountain Drive  
Decatur, GA 30032  
phone: 404-600-2199

June 19, 2018

To: All Residents

Re: Lease Expirations

Dear Residents:

Due to the extensive renovation plans at Avondale Forest, management will be unable to renew any lease contracts when they expire. Residents with expired leases will be allowed to stay in their apartments for a limited time on a month-to-month basis with no additional fee. As we work through the renovation process, we will be vacating all units in phases.

Our office team is here to help all residents locate a new home. We encourage all residents to come visit the management office to discuss available options.

Sincerely,

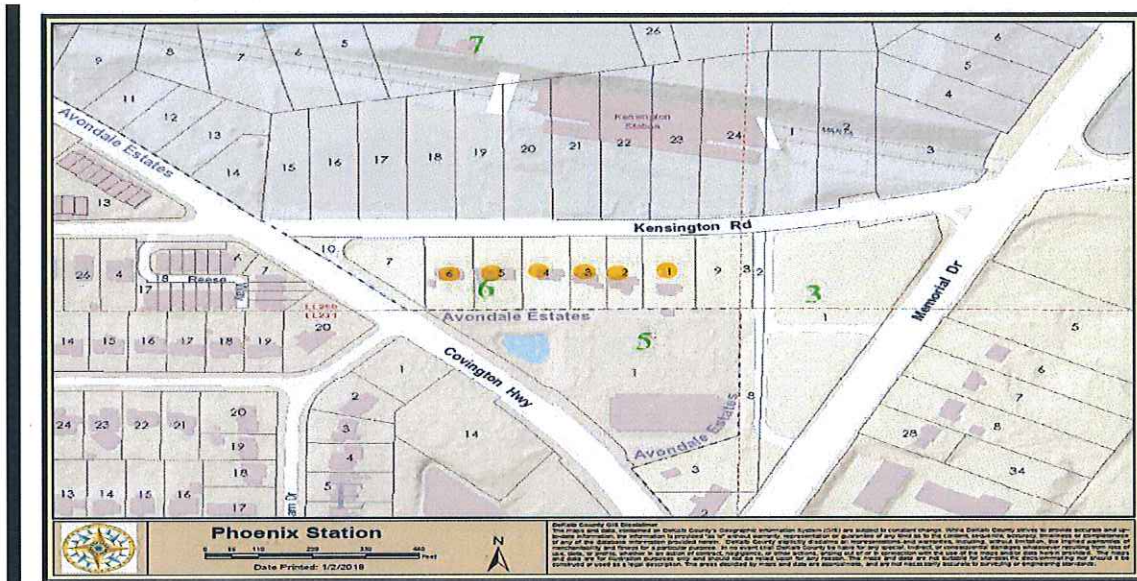
R. James Properties, Inc.



Phoenix Station2018  
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## 1. EXECUTIVE SUMMARY

LDG Development is pleased to present to the DeKalb County Board of Commissioners a proposal for the rezoning of six (6) contiguous parcels located in unincorporated DeKalb County, being 3337, 3345, 3353, 3361, 33, 67 and 3375 Kensington Road. The parcels, located south of the Kensington MARTA Stations (see vicinity map below), are being assembled to provide 244 new affordable housing units reserved for families with children, individuals and persons with disabilities with incomes at or below 60% of the area median income. Named Phoenix Station, this development will provide a new high quality affordable housing choice to the hard-working families and individuals of South DeKalb.



LDG recognizes MARTA as one of Metro Atlanta's major economic forces, as well as, on of the nation's top transportation agencies. We share in both DeKalb County and MARTA's long term vision to "create transit oriented communities that connect people to opportunities and drive sustainable community development". LDG Development is eager to work with both DeKalb County and MARTA to further this mission.



LDG possesses over 25 years of experience as architects, developers, contractors and project managers on a broad spectrum of developments, including affordable housing. LDG fully understands the difficulty of completing developments requiring multiple layers of financing, agency involvement and neighborhood input. In addition, LDG is familiar with numerous financing products including but not limited to 9% and 4% Affordable Housing Tax Credits, Tax Exempt Multifamily bonds, HOME funds, Affordable Housing Trust Funds and tax abatement programs.

### Site Plan and Development

Phoenix Station has been thoughtfully planned with the overall well-being of its residents and the community at large in mind. Once completed *Phoenix Station* will provide the facilities and staff to create a community friendly development that will benefit its residents and the surrounding neighborhood. A total of 244 apartment homes are planned all of which will have access to full amenities including a swimming pool, business center, fitness room, community space and immediate access to public transportation.

*Phoenix Station* is an essential element to the cohesive master plan that right now consists of the Avondale Hills and Avondale Park communities; two developments that include 300-market rate apartments with a percentage of units reserved for those with incomes between 61% and 80% AMI, fee simple townhomes, \$200k-\$300k single family homes, office space, commercial/retail space and with the addition of *Phoenix Station*, 200 units of quality housing for families and individuals making 60% or less AMI, as well as, seniors and persons with disabilities who may be on fixed incomes.

Phoenix Station is a true investment in affordable housing at a great location connected to public transit.



(PHI: site plan including Avondale Hills and Avondale Park)



### **Building Description**

Surrounded by a wide variety of public and private services, *Phoenix Station* will be a four-story residential elevator-served building with community space, on-site parking and outdoor recreational features including a commercial grade playground and swimming pool. This quality development will provide modern dwelling units with 'state-of-the-art' amenities including Energy Star appliances, washer and dryer hook ups and energy efficient heating and air. Residents will enjoy a well-maintained, landscaped setting with immediate access to public mass transit in the form of the Kensington MARTA Station directly across Kensington Road.

Reserved for families and individuals with household earnings within 60% of the area median income, *Phoenix Station*, will be an ideal choice for young professionals just starting out, hard-working families with children, seniors on a fixed income, as well as, persons with disabilities who desire quality, safe and sustainable apartment home living in a vibrant environment with access to public transit at an affordable price.



(PH2: Elevation)

The proposed development will be built using Tax Exempt Multifamily Bond financing and 4% Affordable Housing Tax Credits.

### **Unit Description**

Phoenix Station will include (28)- 850 sf. 1-Bedroom, (108)-1,080 sf. 2-bedroom and (116)-1,185 sf. 3-bedroom units with very affordable rents ranging from \$670.00 for a 1BR to \$890.00 per month for a 3BR.

#### ***Unit Amenities:***

- Washer and Dryer Hook Ups
- Energy Star Appliances
- Pre-Wired for Security System
- Spacious Floor Plans
- Dishwasher
- Durable Konecto VCT flooring throughout
- Window blinds
- Walk-in Closets
- Energy efficient central heating and air
- One, Two and Three Bedroom apartments

#### ***Community Amenities:***

- Four story building
- Brick/stone and Hardi-Plank Siding
- Contemporary Design
- Aesthetically pleasing
- Multipurpose Community Room
- Business Center
- Fitness Center
- On site Laundry Facilities
- Swimming Pool
- Landscaped grounds
- 24 Hour Emergency Maintenance
- Picnic Area with Grill
- The project as proposed will meet state's Energy Codes.

#### ***Accessibility Requirements:***

- Accessible building entrance on an accessible route
- Accessible and usable public and common use areas
- Usable doors 32" minimum clear width
- Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.
- Reinforced walls for grab bars
- Usable Kitchens and usable bathrooms



## **2. PROJECT SIGNIFIGANCE**

Public and private partnerships are defined as “A cooperative venture between public sectors and private sectors, built on the expertise of each partner, that best meets clearly defined public needs through the appropriate allocation of risks, rewards and responsibilities”

LDG Development believes one way to achieve a revitalized and healthy community is by establishing strong public and private partnerships. LDG Development has a proven track record of creating and maintaining these types of relationships.

LDG Development understands the need for a development such as *Phoenix Station* and is excited to participate in the redevelopment of the area around the Kensington MARTA Station.

The need for this development is clear and easily defined:

- There is a need to help relieve this area of South DeKalb from the economic and aesthetic burden that always accompany disinvested areas.
- There is a need to assist in stabilizing the existing affordable housing stock for families in South DeKalb which today is deteriorating due to lack of development dollars being committed.
- There is a need for capital investment of this size and scope which will invite more investment as South DeKalb begins to improve.
- There is a need for more quality affordable housing for families with children, as well as, for persons with disabilities.



*(The Parke on Covington: Covington Highway)*



*(Waterford Manor: Covington Highway)*

Additionally, LDG Development is grateful to have the opportunity to be a part of developments like this which invest in the future affordability of an area on the incline.

### **3. COMMUNITY IMPACT**

- 1) The needs for this development are clear and easily defined:
  - There is a need to relieve the targeted area around the Kensington MARTA Station in South DeKalb from the economic and aesthetic liability that always burden areas of disinvestment.
  - There is a need to revitalize and begin to replace a deteriorating rental housing stock in South DeKalb which has not seen a meaningful upgrade in housing for families in decades.
  - There is a need for new quality affordable housing for families with children, as well as, for persons with disabilities.
  - There is a need to refurbish the existing infrastructure of DeKalb County and to redevelop the target area around the Kensington MARTA Station which will help to minimize unnecessary urban sprawl.
  - There is a need to return vacant and underutilized property to the county tax roll.
  
- 2) The benefits of this development are equally clear:
  - This development provides new housing units for families and persons with disabilities.
  - This development will help to revive the targeted area by investing in local affordable housing which today is deteriorating.
  - Investment of this size and scope will invite more investment as the neighborhood continues to improve.
  - This development will replenish a deteriorating housing stock while simultaneously employing energy efficient and green building techniques.
  - This development will refurbish the existing infrastructure of the targeted area and redevelop the county core helping to minimize unnecessary urban sprawl
  
- 3) LDG Development has presented a proposal that embraces, DeKalb County Government's goals, objectives, guidelines and policies, as stated by the "*DeKalb County Comprehensive Plan 2035*"

According to the "*DeKalb County Comprehensive Plan 2035*":

- a) *Issue: "The location of affordable housing is often away from major amenities, employment centers and higher-income neighborhoods" (Chapter 5-Issues and Opportunities, pg. 44)*



*Opportunity:* "DeKalb has proximity to downtown Atlanta and many growing in-town neighborhoods. (Chapter 5-Issues and Opportunities, pg. 44)

- b) *Issue:* "Multi-family - Many older multi-family developments are suffering from physical deterioration and are often concentrated in areas with higher poverty rates." (Chapter 5-Issues and Opportunities, pg. 43)

*Opportunity:* "Many new re-developments have added density and a diversity of housing types and options." (Chapter 5-Issues and Opportunities, pg. 43)

- c) *Issues:* " 1. Areas with high levels of development have raised density and traffic concerns amongst existing residents. 2. Traffic congestion and commute times, especially around high growth areas, could impact future development and zoning decisions. 3. Some high intensity uses are not adequately served by public transportation" (Chapter 5-Issues and Opportunities, pg. 43)

*Opportunity:* "The increased acceptance and demand for Transit Oriented Development (TOD) has increased redevelopment opportunities around existing MARTA stations." (Chapter 5-Issues and Opportunities, pg. 43)

- d) *Issue:* " Many subdivisions built over the last 30 years are in need of increased upkeep, maintenance or rehabilitation." (Chapter 5-Issues and Opportunities, pg. 44)

*Opportunity:* "Density and housing types are increasing within some new developments allowing for more housing options." (Chapter 5-Issues and Opportunities, pg. 44)

- e) "In 2000 there were nearly twice as many jobs as housing units in DeKalb County. The total occupied units include owners and renters. This trend is expected to continue into the future. According to these statistics, there is and will continue to be a need for additional housing units in DeKalb County." (Chapter 2-Quality of Life Elements, pg. 20)

- f) "Perhaps, if additional and mixed housing units were provided in the county more employees would be willing to reside in the County, potentially decreasing automobile dependency, traffic congestion and pollution and also improve the economy as less money would be spent outside of the county where wages are paid." (Chapter 2-Quality of Life Elements, pg. 20)

- g) "Identify and encourage the development of priority areas for new infill or redevelopment." (Chapter 7-Land Use, Policies, pg. 58)

- h) "Improve the aesthetic appearance of developments along major corridors." (Chapter 7-Land Use, Policies, pg. 58)

- i) "Encourage development within and near principal transportation corridors and activity centers." (Chapter 7-Land Use, Policies, pg. 58)

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- j) "Encourage Transit Oriented Development (TOD) in appropriate locations" (*Chapter 7-Land Use, Policies, pg. 58*)
- k) "Encourage the use of buffers by large scale office, commercial, industrial, institutional and high density residential development to reduce noise and air pollution in residential neighborhoods. (*Chapter 7-Land Use, Policies, pg. 59*)
- l) "Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Regional Center shall be targeted to a broad range of income levels." (*Chapter 7-Land Use, Regional Center Character Area Policies, pg. 59*)
- m) "Kensington MARTA Station Mixed -Use Redevelopment - Develop high -density housing/office/retail uses." (*Chapter 7-Land Use, Kensington Station Activity Center, F. pg. 87*)

Additionally,

LDG Development has presented a proposal that embraces the DeKalb County Board of Commissioners', Management Team's and Planning Team's goals and objectives, as outlined by the "*Kensington Livable Centers Initiative; Transit Oriented Development Plan*" dated September 7, 2012

According to the "*Kensington Livable Centers Initiative; Transit Oriented Development Plan*":

- a) "The substantial employment base in and around the study area will be another market for new retail and residential development." (*Section 2.4- Demographics and Market, pg. 17*)
- b) "A survey of apartment communities around the study area shows wide variation in age, rents and occupancy rates. The newest communities had the highest rents – \$820 to \$1,100 for one bedroom units and \$1,060 to \$1,280 for twos. Occupancy rates for six of the ten communities surveyed were 90 percent or above." (*Section 2.4- Demographics and Market, pg. 18*)
- c) "A critical strategy in support of commercial and office space vitality in the study area is to encourage the addition of housing units. Housing is an important component of the vision for Kensington and residential development can serve as a crucial catalyst for retail expansion." (*Section 4.6- Economic Development Recommendations, pg. 53*)
- d) "The residential market analysis identifies significant opportunities for the area and specific target markets for new housing. Housing should be encouraged and promoted as a key component to development projects in Kensington." (*Section 4.6- Economic Development Recommendations, pg. 53*)



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- e) "Age of Housing: Housing in the 2-mile radius surrounding the Study Area tends to be older than that in the residential market area and DeKalb County. Median year built for housing in these geographies ranges from 1973 near the Study Area to 1979 in DeKalb County." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis*, pg. 9)
- f) "Based on an evaluation of the surrounding housing market, the competitive supply, the attributes of the Study Area and Marketek's experience in facilitation of residential development, we estimate that during the first ten years of development, approximately 670 for sale and 1,026 rental units could be absorbed in the Study Area." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis, Estimated Potential Demand*, pg. 15)
- g) "Combined, there is demand for 1,696 housing units in the Kensington LCI TOD Study Area, 40 percent ownership and 60 percent rental." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis, Estimated Potential Demand*, pg. 15)
- h) "The projection for potential demand for housing in the Study Area assumes that development will begin as the economy stabilizes and Atlanta enters another period of growth. These projections also assume there will exist marketable rental and for-sale housing product and that an aggressive marketing program for new housing will be underway. The recommended housing types would include primarily newly constructed apartments, condominiums and townhouses, with a small share of small-lot single-family detached homes." (Residential and Commercial Market Analysis; *Section3- Residential Market Analysis, Estimated Potential Demand*, pg. 15)

We feel this proposed development more than fulfills the core values of the "*DeKalb County Comprehensive Plan 2035*" and the "*Kensington Livable Centers Initiative; Transit Oriented Development Plan*" by providing an opportunity for all residents of South DeKalb to have affordable, safe, and sanitary housing through a very creative design approach that revitalizes vacant and underutilized land while embracing the unique character of the neighborhood.

**a) PROJECT LOCATION**

While assembling the properties, LDG Development took into account existing anchors that make the neighborhood strong and unique. With this in mind, future residents of *Phoenix Station* will have access to numerous community services located in close proximity.

*Phoenix Station* will be located within ½ mile of the following community amenities: Crossroads Bible Church, First Spanish Baptist Church, Rite-Aid Pharmacy, DeKalb County Government Offices, Avondale Elementary School, DeKalb County Public Library. A full-service Walmart is located at 3580 Memorial Drive, approximately 1.5 miles away from the proposed location. Belvedere Plaza, whose tenants include Kroger Grocery, Family Dollar and a variety of restaurants and smaller retail is approximately 2 miles from the site on Memorial Drive.

Additionally, Peace Baptist Church at 440 Covington Highway, with a community engaged congregation of nearly 3000 worshipers and led by Pastor Tyrone Barnette is within 2.0 miles of the proposed site.

**b) PUBLIC TRANSIT**

*Phoenix Station* will have access to safe, walkable neighborhood paths. Most notably, residents will have access to quality public transit service directly adjacent to the Kensington MARTA Station which provides access to some of Atlanta's largest employers, as well as, The City of Stone Mountain, Georgia Piedmont Technical College, Georgia Department of Labor, Memorial Drive Park & Ride, North DeKalb Mall, Northlake Mall and The DeKalb Lou Walker Senior Center.

**c) SUPPORTIVE SERVICES**

Supportive services are required by the Department of Community Affairs to be provided by the owner at no charge to interested individuals living in the development. These services are yet to be determined but could include such things as classes for business literacy and resume building, health and nutrition classes and credit counseling.



**d) ENERGY STAR, LEED OR SOUTHFACE**

**ENERGY STAR FEATURES:**

- Energy Star rated heating and cooling products
- Energy Star rated dishwasher and refrigerator
- Energy Star qualified ceiling fans, light fixtures and ventilation fans
- Energy Star qualified water heaters

**GREEN CONSTRUCTION TECHNIQUES**

- Development is located within one-quarter (1/4) mile of one or more stops for two or more public bus lines useable by building occupants
- Compact florescent light bulbs installed (CFLs) throughout the project
- The average flow rate for all lavatory faucets is  $\leq 2.0$  gallons per minute (gpm).
- The average flow rate for all showers is  $\leq 2.0$  gallons per minute (gpm).
- The average flow rate for all toilets is  $\leq 1.3$  gallons per flush (gpf).
- All domestic hot water piping shall have R-4 insulation. Insulation shall be properly installed on all piping elbows to adequately insulate the 90-degree bend.

**e) DEVELOPMENT TEAM CAPACITY**

- i. Firm Resume
- ii. LDG Fact Sheet
- iii. LDG REO

**f) FEDERAL and STATE FUNDING**

LDG has completed more than 20 developments utilizing Multifamily Tax Exempt bonds and 4% Affordable Housing Tax Credits during the past 10 years. During this time, LDG has completed developments that are similar in scope and scale to the proposed *Phoenix Station* development including “The Villages at Ben White” in Austin, TX, “Brook Creek Crossing” in Midlothian, VA and “The Villas at Colt Run” in Houston TX. LDG has demonstrated over the years it has the capacity to build, develop and maintain this type of housing.

Most recently, LDG began construction on 240 units of affordable housing in South Augusta. Much like the proposed *Phoenix Station* development, this development utilizes Tax Exempt multifamily bonds and 4% affordable housing tax credits. “Peach Orchard” in Augusta is on schedule to begin pre-leasing in November of 2017 with a construction completion date of May 2018.

**g) RENTAL HOUSING ACTIVITY**

All proposed units will be rental housing reserved for those at the 60% AMI level or below. The current underwriting model proposes the following rent structure (please note this is subject to change)

**DeKalb County; Atlanta-Sandy Springs GA MSA**

# of Br's	# of Baths	% of AMGI	# of Units	Square Footage	2017 Max. Rent	Proposed Project Rents
1-Br	1-Ba	60%	20	728	784	\$651
2-Br	2-Ba	60%	108	964	942	\$765
3-Br	2-Ba	60%	116	1,317	1,087	\$868

## **i) Development Schedule**

If DeKalb County Board of Commissioners approves the proposed rezoning of the 6 parcels, LDG expects to close and begin construction within 18 months thereafter (December 2019). A 16-month construction period is anticipated (April, 2021). We expect to begin leasing units during month 9 of the construction period (September, 2020) with 100% occupancy achieved at month 14 (February 2021).

**j- SITE CONTROL**

LDG currently has the 6 parcel under contract for acquisition, subject to the approval of the Rezoning Application being submitted to DeKalb County. LDG is also pursuing the acquisition of the following four (4) lots adjacent to the 6 parcels at the corner of Kensington Road and Memorial Drive currently owned by MARTA: 4200 Memorial Drive, 3393 Kensington Road, 3383 Kensington Road and 3321 Kensington Road. MARTA has elected to put out a RFP concerning these four parcels. If LDG's proposal is selected, LDG will amend the submitted Rezoning Application to include the additional MARTA parcels. If LDG's proposal is not selected by MARTA, then LDG will continue to pursue the development of the 6 parcels that is currently has under contract as set forth in this proposal.

### **1) 3-Mile Radius Jobs Report**

Based on *United States Census Bureau* data: *(see attached data)*

Within a 3-mile radius of the Kensington MARTA Station there are:

- 23,720 jobs that pay \$3333.00 per month or less (\$39,996.00 per year)
- 54% of the men and women working these positions travel more than 10 miles to get to work everyday
- Nearly 20% travel more than 25 miles while 8% actually travel more than 50 miles

Given the opportunity of a quality housing choice for themselves and their families, many of these people would undoubtedly choose to live closer to their places of employment.



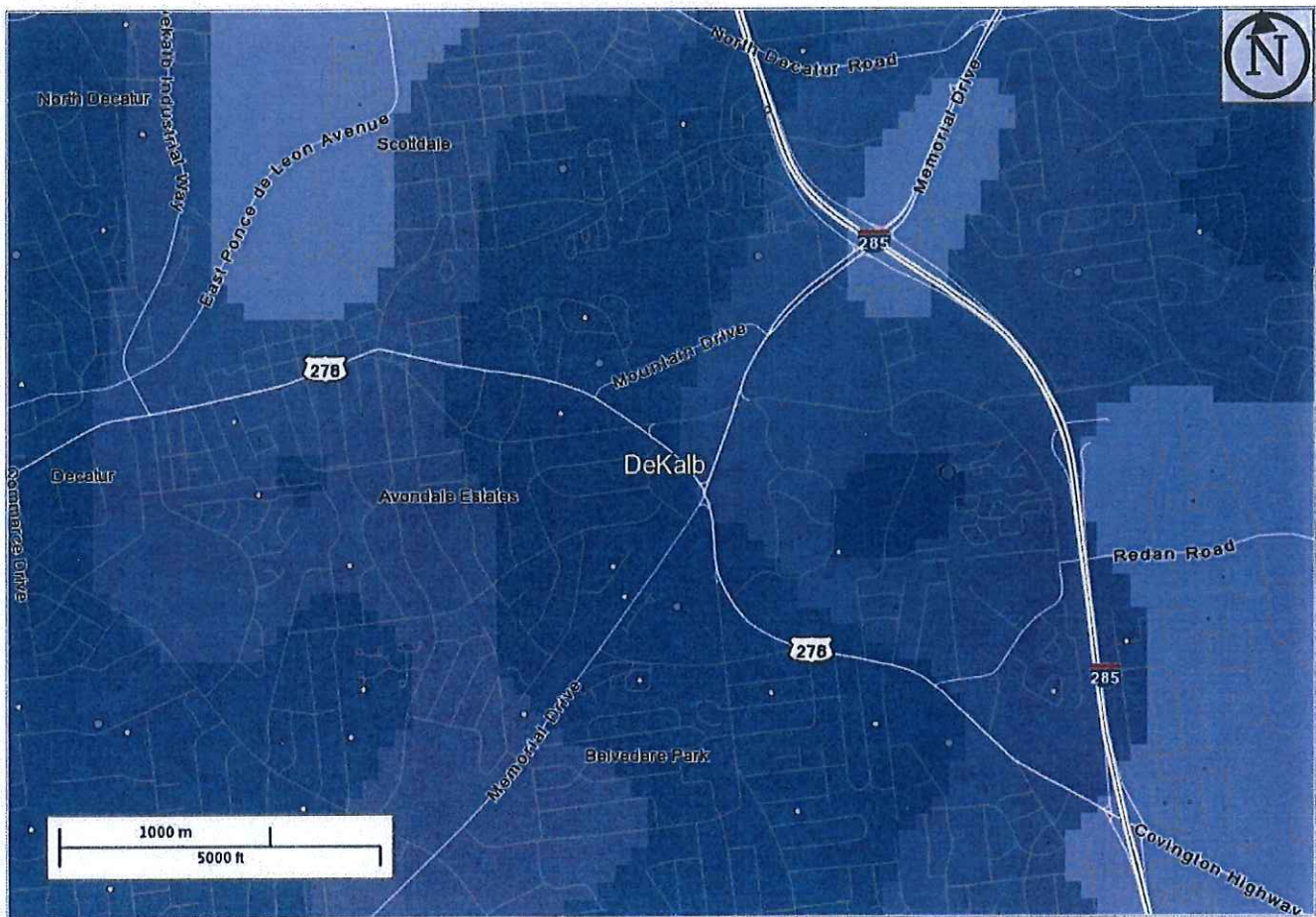
## Distance/Direction Report - Work to Home

All Jobs for \$1,250 per month or less in 2014

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 05/11/2017

### Counts and Density of Home Locations for All Jobs in Work Selection Area in 2014

\$1,250 per month or less



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

- 5 - 8
- 9 - 19
- 20 - 37
- 38 - 63
- 64 - 96

##### Job Count [Jobs/Census Block]

- 1 - 2
- 3 - 5
- 6 - 10
- 11 - 17
- 18 - 27

##### Selection Areas

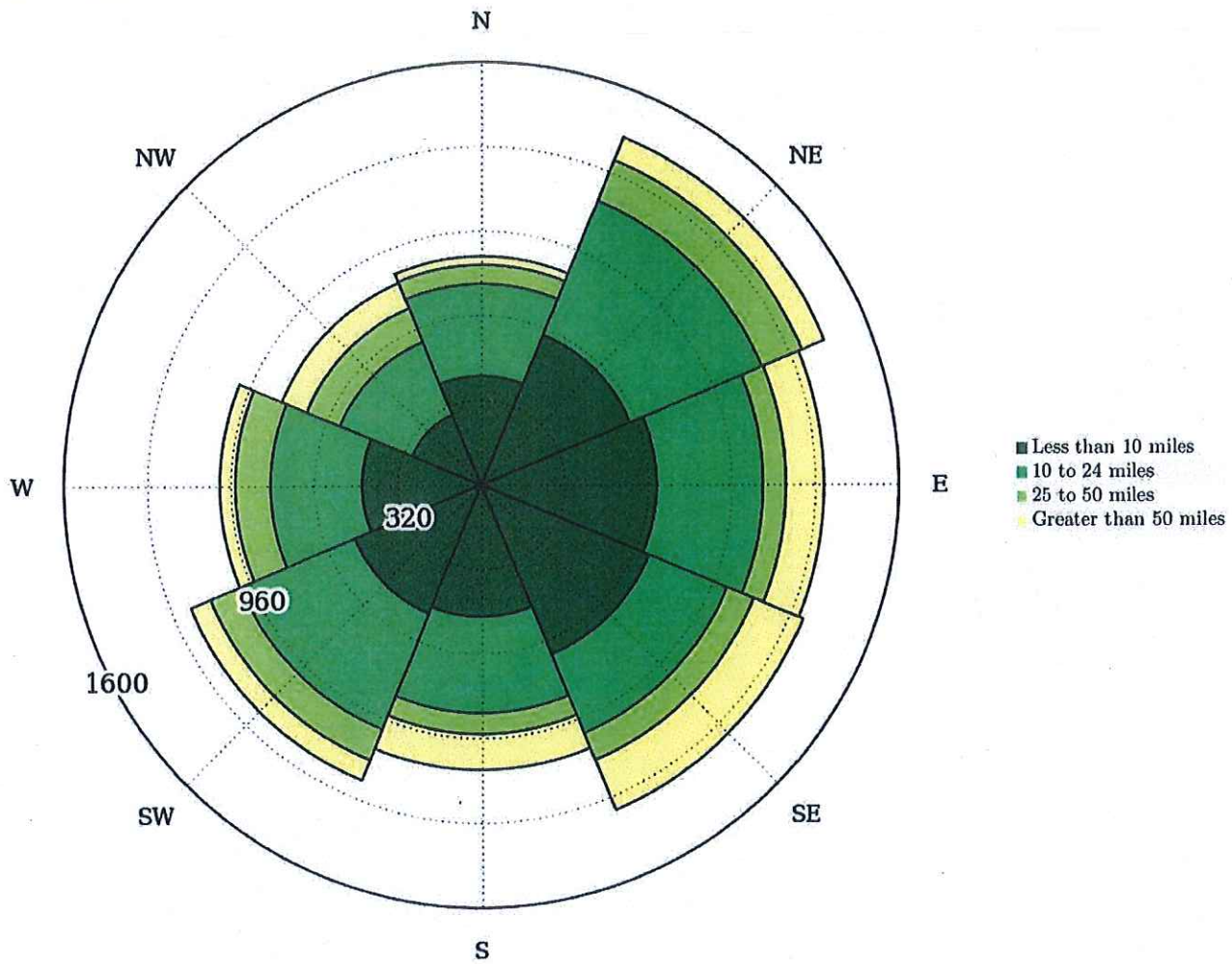
- Analysis Selection





# All Jobs for \$1,250 per month or less in 2014

Distance and Direction from Work Census Block to Home Census Block, Employed in Selection Area



## All Jobs for \$1,250 per month or less in 2014

Distance from Work Census Block to Home Census Block, Employed in Selection Area

Distance	2014	
	Count	Share
Total All Jobs	9,048	100.0
Less than 10 miles	4,163	46.0
10 to 24 miles	3,113	34.4
25 to 50 miles	914	10.1
Greater than 50 miles	858	9.5

## Additional Information

### Analysis Settings

Analysis Type	Distance/Direction
Selection area as	Work
Year(s)	2014
Job Type	All Jobs
Selection Area	Selection Area Address buffered 3.00 miles
Selected Census Blocks	1,319
Analysis Generation Date	05/11/2017 13:47 - OnTheMap 6.5
Code Revision	d811b5cc7e2dd2dc6203f94e753d94ce84f265af
LODES Data Version	20160219

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2014).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

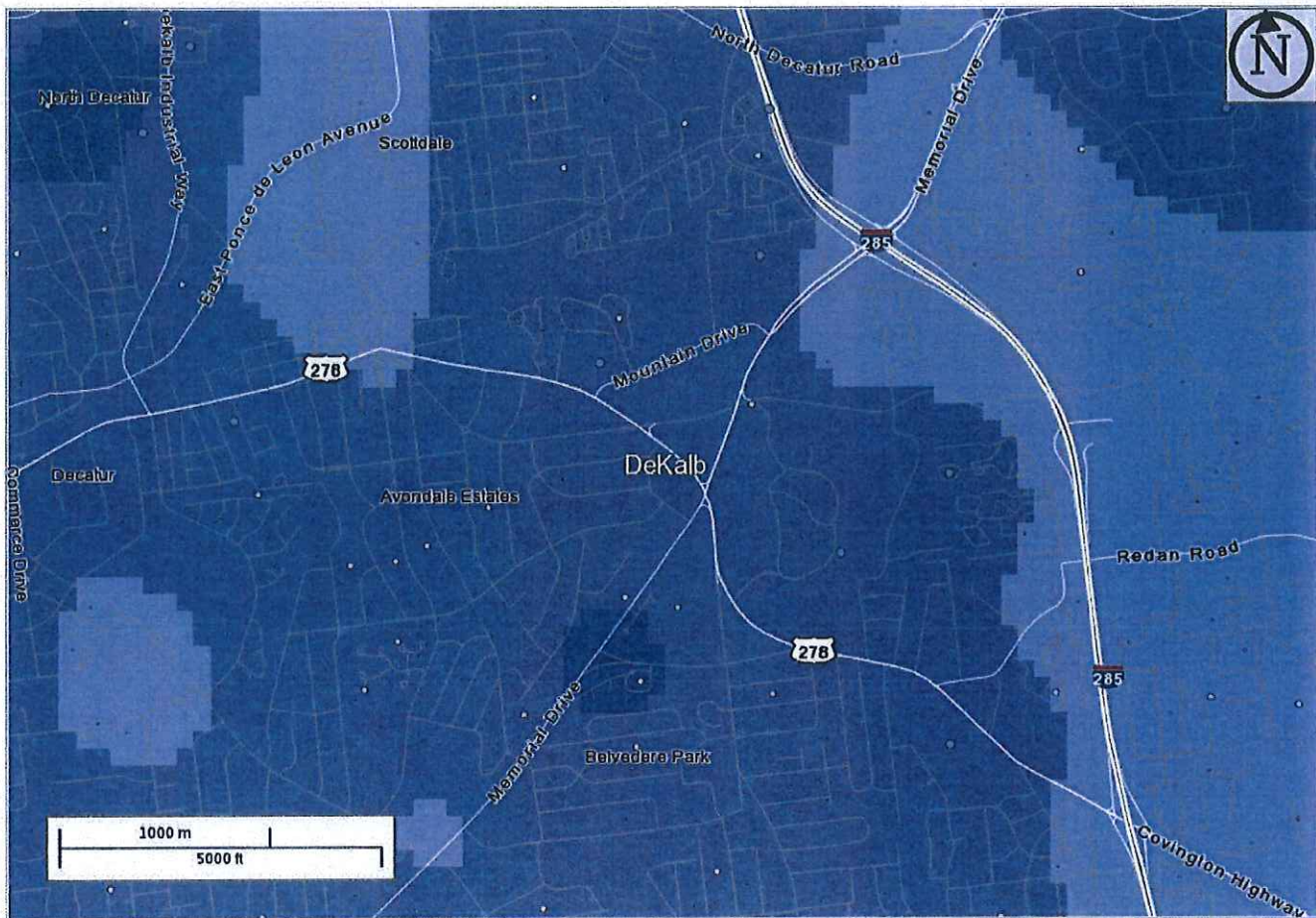


## Distance/Direction Report - Work to Home

All Jobs for \$1,251 to \$3,333 per month in 2014

Created by the U.S. Census Bureau's OnTheMap <http://onthemap.ces.census.gov> on 05/11/2017

### Counts and Density of Home Locations for All Jobs in Work Selection Area in 2014 \$1,251 to \$3,333 per month



#### Map Legend

##### Job Density [Jobs/Sq. Mile]

- 5 - 14
- 15 - 44
- 45 - 93
- 94 - 161
- 162 - 250

##### Job Count [Jobs/Census Block]

- 1 - 3
- 4 - 10
- 11 - 21
- 22 - 38
- 39 - 59

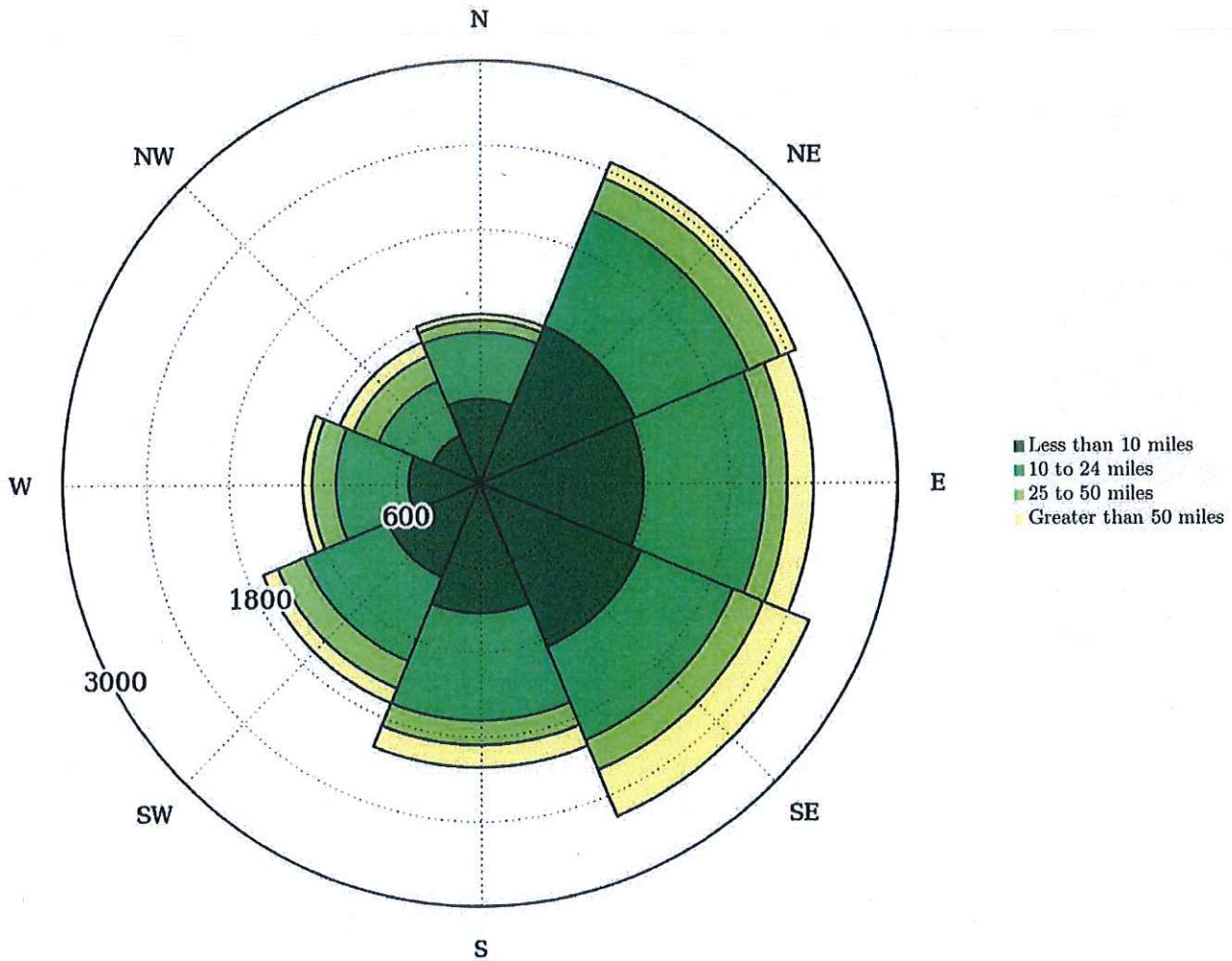
##### Selection Areas

- Analysis Selection



## All Jobs for \$1,251 to \$3,333 per month in 2014

Distance and Direction from Work Census Block to Home Census Block, Employed in Selection Area



## All Jobs for \$1,251 to \$3,333 per month in 2014

Distance from Work Census Block to Home Census Block, Employed in Selection Area

Distance	2014	
	Count	Share
Total All Jobs	14,672	100.0
Less than 10 miles	6,763	46.1
10 to 24 miles	5,284	36.0
25 to 50 miles	1,471	10.0
Greater than 50 miles	1,154	7.9



## Additional Information

### Analysis Settings

Analysis Type	Distance/Direction
Selection area as	Work
Year(s)	2014
Job Type	All Jobs
Selection Area	Selection Area Address buffered 3.00 miles
Selected Census Blocks	1,319
Analysis Generation Date	05/11/2017 13:47 - OnTheMap 6.5
Code Revision	d811b5cc7e2dd2dc6203f94e753d94ce84f265af
LODES Data Version	20160219

### Data Sources

Source: U.S. Census Bureau, OnTheMap Application and LEHD Origin-Destination Employment Statistics (Beginning of Quarter Employment, 2nd Quarter of 2002-2014).

### Notes

1. Race, Ethnicity, Educational Attainment, and Sex statistics are beta release results and are not available before 2009.
2. Educational Attainment is only produced for workers aged 30 and over.
3. Firm Age and Firm Size statistics are beta release results for All Private jobs and are not available before 2011.

## **I. INTRODUCTION**

The Subject Property is a 2.83+/- acre assembled tract of land located at 3337, 3345, 3353, 3361, 3367 and 3375 Kensington Road, Decatur having frontage on Kensington Road and Covington Highway. The Applicant is seeking to rezone the Subject Property from R-75 and O-I to HR-3 to allow for the development of a 244 multi-family units, at a density of 87 units per acre. The Land Use Designation for the Subject Property is Regional 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, § 27-829(f). A surveyed plat and site plan of the Subject Property has been filed contemporaneously with the Application, along with other required materials.

## **II. DESCRIPTION OF AREA**

The Subject Property is located on Kensington Road across the street from the entrance to the Kensington MARTA railway station. Kensington Road is a minor arterial road which intersects with both Covington Highway on the west end and Memorial Drive on the east end. Adjacent to the rear of the Subject Property is 3408 Covington Highway which is improved with the 4-story Georgia Department of Juvenile Justice building.

The Regional Center designation was introduced into the Covington Highway corridor in the recently approved 2035 Comprehensive Plan for DeKalb County. The Regional Center designation runs from Covington Highway to the South, to the properties fronting on Mountain Drive to the West, to Rockbridge Road to the North, to I-285 to the east. Prior to this time, the same area was designated Town Center, with a maximum density of 60 units per acre. This is the only area wholly within unincorporated DeKalb County with a Regional Center land use

designation, which allows for it to be controlled 100% by the DeKalb County Board of Commissioners. As more and more of DeKalb County has become incorporated, it is crystal clear that the DeKalb County Board of Commissioners views the area around the Kensington MARTA station and the surrounding municipal buildings, as the future economic engine of unincorporated DeKalb County.

The Subject Property is an assemblage of 6 parcels, 3 of which were rezoned in 2004 to O-I for small business use when it became apparent that the homes along this portion of Kensington Road were predominantly being used as rental housing. As such, the 6 parcels beg to be redevelopment as part of an assemblage for a transit oriented development, such as the Applicant is proposing, based on the location directly across from the Kensington MARTA Station.

## **II. DESCRIPTION OF PROJECT**

Submitted simultaneously with this Statement of Intent is a detailed summary of the proposed project submitted by the Applicant.

## **III. IMPACT ANALYSIS**

### **A.**

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

The Subject Property is designated Regional Center under the DeKalb Comprehensive Land Use Plan through 2035, and located in an Activity Center. It is the Applicant's contention that the proposed project and rezoning is in conformity with the Activity Centers Policy Statement, including:

1. Encouraging the maximum density of residential in mixed use projects not to exceed the allowable units per acre, with the most intense development located towards the commercial and/or office core of the Activity Center.
2. Locate development and activities within easy walking distance of transportation facilities.

**B.**

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

The Subject Property is a transportation oriented development which is located directly across the street from the Kensington MARTA Station, and directly behind a 4-story commercial building. It is the Applicant's contention that the proposed rezoning permits a use that is suitable in view of the use and development of adjacent and nearby property.

**C.**

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

The Subject Property as an assemblage has no use as currently zoned, and as individually used parcels, they have marginal value. Each lot has a single-family house built upon it that has an average age of more than 60 years. These homes were left isolated after the Kensington MARTA Station opened in June of 1993. The R-75 properties only have value as rental properties, which is roughly the same for the properties zoned O-I. The O-I lots are undersized and not suitable for redevelopment as stand-alone buildings. Additionally, there are two office parks in



the area that are partially occupied. Therefore, the three O-I parcels have marginal value as currently zoned.

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 rezoning will in no way adversely affect the existing use or usability of adjacent or nearby property. As noted above, development patterns in the area are entirely consistent with the proposed use for the Subject Property.

**E.**

**OTHER EXISTING OR CHANGING CONDITIONS  
AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY**

The area in which the Subject Property is located is predominately commercial. Developing multi-family housing along commercial corridors within residential corridors, lessens the impact of this more intense use on established residential communities, and allows for a more urban look and feel for the project that is more in line with current trends in the apartment development market. Therefore, the proposed rezoning is consistent with the current trends in the area.



**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, and it will not negatively impact the schools in the area, which are Avondale Elementary at 74%, Druid Hills Middle School at 78% capacity and Druid Hills High School at 93% capacity, according to the DeKalb County Public School website and 10/3/2017 Enrollment Report. With respect to sanitary sewer capacity, the Applicant has submitted a Sewer Capacity Request Letter for the area. In light of the daily improvements being made to the system, it is anticipated that sewer capacity will not be an issue when the project is brought online in April of 2021, which is the projected opening date for the project.

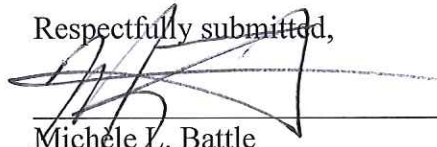
**IV. CONCLUSION**

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.

This 4<sup>th</sup> day of January, 2018.

Respectfully submitted,

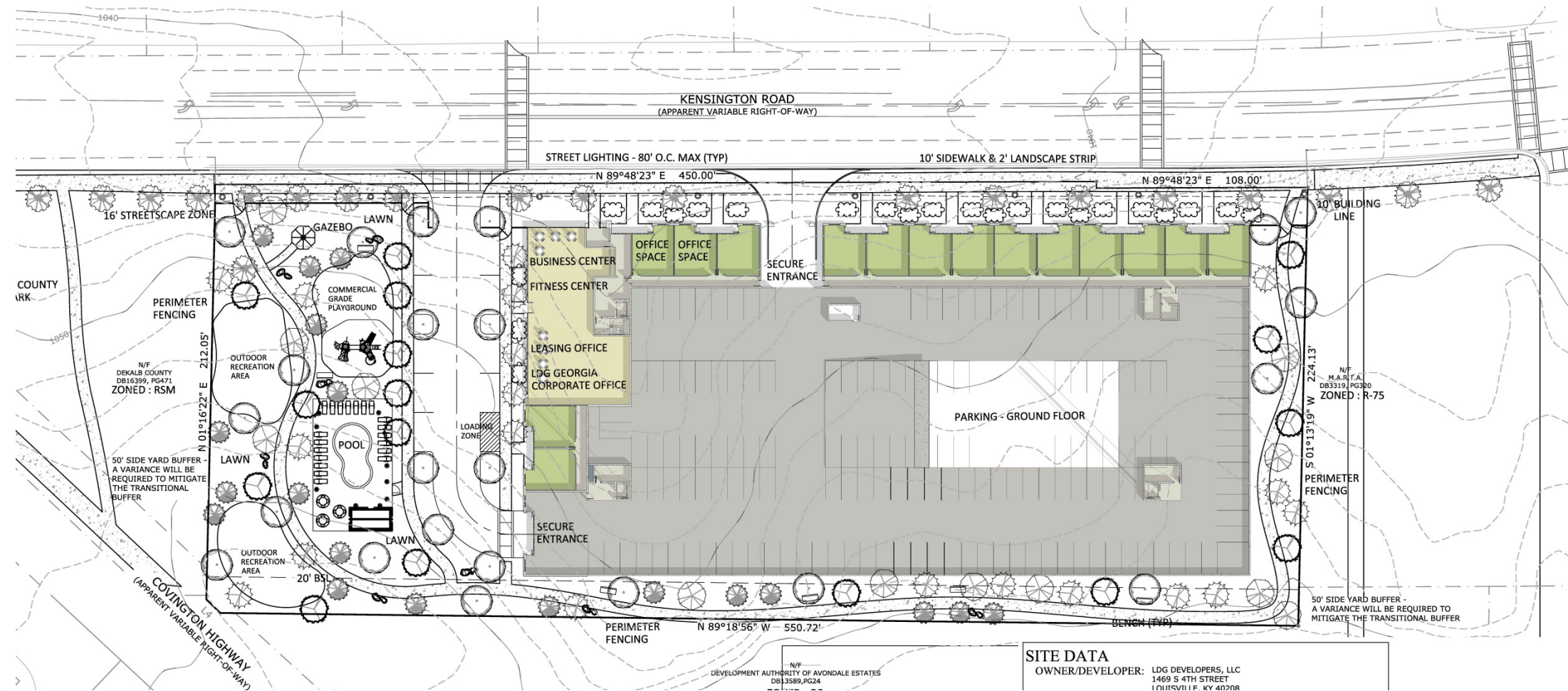


\_\_\_\_\_  
Michele L. Battle  
Attorney For Applicant



### ADDITIONAL CONSTITUTIONAL ALLEGATION

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 Subject Property to a constitutional classification. If action is not taken by the County to rectify this unconstitutional zoning classification within a reasonable time, a claim will be filed by the Applicant 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.





1 3D View 02  
SD212



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Project Name  
Kensington  
Street Apartment  
Complex

Kensington Street, Decatur, GA

Client  
LDG  
DEVELOPMENT

1469 South 4th Street  
Louisville, KY 40208

Seal

NOT FOR  
CONSTRUCTION

Revisions  

No.	Description	Date

SCHEMATIC  
PERSPECTIVE

Project number 18-LD-02  
Date May 23, 2018

SD212

Scale

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1 3D View 04  
SD214



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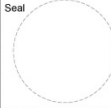
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Revisions

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PERSPECTIVE

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1 3D View 05  
SD215

  
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Seal



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Seal  


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CONSTRUCTION

Revisions  

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ELEVATIONS

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**SD202**  
Scale 1/16" = 1'-0"

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