



Legislation Details (With Text)

**File #:** 2020-1534    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 11/30/2020    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 1/28/2021    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 5 & 7  
 Application of LandLife LLC c/o Battle Law, P.C. for a request to modify the conditions of zoning pertaining to CZ-07-12945 in the MU-1 (Mixed Use- 1) and MU-4 (Mixed Use - 4) zoning district to eliminate the zoning condition requiring senior apartments, 1688 Rock Chapel Road.

**Indexes:**

**Attachments:** 1. CZ 21 1244384 Staff Report, 2. Z-21-1244384 Recommended Conditions

Date	Ver.	Action By	Action	Result
1/28/2021	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
1/5/2021	1	Planning Commission	approved with conditions per staff recommendation	Pass

**Public Hearing:** YES  NO     **Department:** Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): 5 & 7**

**Application of LandLife LLC c/o Battle Law, P.C. for a request to modify the conditions of zoning pertaining to CZ-07-12945 in the MU-1 (Mixed Use- 1) and MU-4 (Mixed Use - 4) zoning district to eliminate the zoning condition requiring senior apartments, 1688 Rock Chapel Road.**

**PETITION NO: N3. CZ-21-1244384 2020-1534**

**PROPOSED USE:** Mixed townhome and commercial development.

**LOCATION:** 1688 Rock Chapel Road, Lithonia, GA 30058

**PARCEL NO. :** 16-195-01-002; 16-195-01-004; 16-195-01-006; 16-195-01-007

**INFO. CONTACT:** Melora Furman, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of LandLife LLC c/o Battle Law, P.C. for a request to modify the conditions of zoning pertaining to CZ-07-12945 in the MU-1 (Mixed Use- 1) and MU-4 (Mixed Use - 4) zoning district to eliminate the zoning condition requiring senior apartments. The property is located on the east side of Rock Chapel Road, approximately 170 feet south of Rock Mountain Road, at 1688, 1708, 748, and 1756 Rock Chapel Road in Lithonia, Georgia. The property has approximately 2,575 feet of frontage along the east side of Rock Chapel Road and contains 116.45 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval.

**PLANNING COMMISSION:** Approval with Conditions.

**PLANNING STAFF:** Approval with Conditions.

**STAFF ANALYSIS:** The proposal to eliminate the requirement for senior apartment units and single-family residential units is intended to enable the property owner to develop the property in a manner that is consistent with the current housing market, with housing products that are suitable given the property's location. Regarding the senior housing component: Housing Policy No. 6 of the 2035 Comprehensive Plan regarding senior housing states: "Encourage housing for the elderly that is well planned, soundly financed, and located within a pedestrian friendly, residential community." While the proposed development would provide pedestrian amenities and would create a residential community, it would lack the network of social services, institutions, recreational facilities, and amenities that combine to create an "aging in place" community. These elements are important to help those senior citizens who do not feel comfortable driving on major roadways from becoming isolated or overly dependent on fee-for-service providers. Section 4.2.46(G) of the *Zoning Ordinance* (Senior Housing) describes the services and amenities that are required in an environment that is suitable for seniors, including "proximity and pedestrian access to retail services and public amenities" and "transportation alternatives". While the proposed development would have a retail component, there is no guarantee that the tenants who would eventually occupy the retail building would provide basic goods and services that would enable the seniors to avoid driving or relying on the provision of private driver services. The fact that the property has remained undeveloped since zoning approval in 2007 suggests low market interest in developing it as currently zoned. The modification of the zoning proposal may spur interest in developing the property. Therefore, the Department of Planning and Sustainability recommends "Approval, with conditions".

**PLANNING COMMISSION VOTE: Approval with Conditions 8-1-0.** G. McCoy moved, E. Patton seconded for Approval with conditions, as per the Staff recommendation. T. Snipes opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 7-2-0.**