



Legislation Details (With Text)

File #: 2019-4078 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 7/24/2019 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 11/19/2019 **Final action:** 11/19/2019
Title: COMMISSION DISTRICT(S): 3 & 6
Application of Otto Tract No. 10 LLC c/o Battle Law to rezone property from MU-4 (Mixed Use High Density) District to MR-1 (Medium Density Residential-1) District within Tier 2 of the 1-20 Overlay District, at 3101 Clifton Springs Road.

Indexes:

Attachments: 1. Staff Report D7 Otto Tract No 10 LLC Z 19 1243388

Date	Ver.	Action By	Action	Result
11/19/2019	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
11/5/2019	1	Planning Commission	withdrawal per the applicant's request	Pass
9/24/2019	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
9/10/2019	1	Planning Commission	Full cycle deferral per staff recommendation	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): 3 & 6

Application of Otto Tract No. 10 LLC c/o Battle Law to rezone property from MU-4 (Mixed Use High Density) District to MR-1 (Medium Density Residential-1) District within Tier 2 of the 1-20 Overlay District, at 3101 Clifton Springs Road.

PETITION NO: D7. Z-19-1243388

PROPOSED USE: 300 Multi-Family Units

LOCATION: 3101 Clifton Springs Road

PARCEL NO. : 15-090-01-013

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Otto Tract No. 10 LLC c/o Battle Law to rezone property from MU-4 (Mixed Use High Density) District to MR-1 (Medium Density Residential-1) District to develop 300 multi-family units at a density of 6.25 units per acre within Tier 2 of the 1-20 Overlay District. The property is located on the west side of Flat Shoals Road, approximately 679 feet east of the southwest intersection of Clifton Springs Road and Flat Shoals Parkway at 3101 Clifton Springs Road, Decatur, GA. The property has approximately 168 feet of frontage

along the west side of Flat Shoals Parkway and contains 48 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (10/9/19) NO RECOMMENDATION; (8/14/19) DENIAL.

PLANNING COMMISSION: (11/05/19) WITHDRAWAL WITHOUT PREJUDICE; (9/10/19) FULL CYCLE DEFERRAL

PLANNING STAFF: WITHDRAWAL WITHOUT PREJUDICE

STAFF ANALYSIS: The proposed rezoning request from MU-4 (Mixed Use High Density) District to MR-1 (Medium-Density Residential - 1) District is compatible with developed residential property zoned MR-1 zoning northeast of the subject site on Columbia Drive. Located within a Neighborhood Center Character area designation, the request for 300 multi-family units at a density of 6.25 units per acre is consistent with the following 2035 Comprehensive Plan policy: “Encourage the maximum density of residential in mixed use projects not to exceed 24 dwelling units per acre, with the most intense development located towards the commercial and/or office core of the Neighborhood Center”. The request to the MR-1 district is a less-intense zoning district than the previously approved MU-4 District. Given that the proposed development requires a traffic study and archeological study, Planning Staff previously recommended a full cycle deferral to allow the applicant to submit these documents for Staff review. However, Planning staff was notified on Tuesday, November 5, 2019 of the applicant’s intent to withdraw the requested rezoning petition. Therefore, the Planning and Sustainability Department recommends **WITHDRAWAL WITHOUT PREJUDICE**.

PLANNING COMMISSION VOTE: (11/05/2019) Withdrawal Without Prejudice 7-0-0. J. Johnson moved, G. McCoy seconded for withdrawal without prejudice per the applicant's request. **(9/10/19) Full Cycle Deferral 9-0-0.** V. Moore moved, A. Atkins seconded for a full cycle deferral per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (10/9/19) No discussion. No vote.; (8/14/19) Denial 8-0-2. The Board acknowledged that the distribution center would bring jobs but pointed out that plans for other distribution centers have not been realized. The Board expressed concerns about truck traffic related to the distribution center and thought that the proposal would result in too many apartment units.