



Legislation Details (With Text)

File #: 2023-0337 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 3/15/2023 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 5/25/2023 **Final action:**

Title: COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of VS Realty 1 c/o Smith Gambrell and Russell for a major modification pursuant to CZ-79009 to existing conditions of zoning for the properties located in the O-I (Office-Institutional) zoning district, at 1799 and 1805 Clairmont Road.

Indexes:

Attachments: 1. CZ-23-1246383 Recommended Conditions, 2. CZ-23-1246383 May 2023 Staff Report 1799 & 1805 Clairmont Rd

Date	Ver.	Action By	Action	Result
5/25/2023	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
5/2/2023	1	Planning Commission		

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 02 Super District 06
Application of VS Realty 1 c/o Smith Gambrell and Russell for a major modification pursuant to CZ-79009 to existing conditions of zoning for the properties located in the O-I (Office-Institutional) zoning district, at 1799 and 1805 Clairmont Road.
PETITION NO: N4-2023-0337 CZ-23-1246383

PROPOSED USE: Modification of zoning conditions to allow a two-story office building.

LOCATION: 1799 and 1805 Clairmont Road, Decatur, Georgia 30033.

PARCEL NO. : 18-103-03-017, 18-103-03-018

INFO. CONTACT: Rachel Bragg, Zoning Administrator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of VS Realty 1 c/o Smith Gambrell and Russell for a major modification pursuant to CZ-79009 to existing conditions of zoning for the properties located in the O-I (Office-Institutional) zoning district, at 1799 and 1805 Clairmont Road in Decatur, Georgia. The property has 200 feet of frontage on the east side of Clairmont Road approximately 1000 feet south of McConnell Drive, and contains approximately 0.6 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Approval with Conditions.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant is requesting a major modification of CZ-79009 and CZ-79077 which limits the use of the property to a real estate office and required compliance with the 1979 site plans, among other requirements that limit the ability to redevelop the property. The subject parcel is within the OI Zoning District and within the Commercial Redevelopment Corridor character area. The two parcels are currently occupied by vacant offices that were converted from circa 1945 single-family, detached houses. The applicant proposes to construct a two-story, 5,200 square foot office building to house Viral Solution’s corporate offices and leased office space to other businesses. The use of the property as a professional office is consistent with the surrounding uses and supports the needs of the surrounding community. The property is located in the OI zoning district, which allows for a variety of commercial uses, including professional offices. The property’s location on a major arterial road provides easy access for staff and visitors. The impact analysis from the applicant states there is no expected impact on traffic from the redevelopment of this property. DeKalb County Transportation Division noted there are right-of-way and signal upgrades that are required, along with a landscape strip and multi-use path. After a cursory review of the submitted site plan, the new construction appears to comply with the zoning requirements and appears to require no variances. The proposed office would fit into the character area while complying with zoning and land use requirements, including required transitional buffers along the residential development to the east. The parcel to the north of the subject properties is similarly developed with a two-story office building. However, the site plan fails to show how the redeveloped site will manage stormwater, and this will need to be resolved prior to the applicant seeking a land disturbance permit. Key items of County requirements:

- The county codes require the hydrology study to model the existing conditions as wooded.
- Runoff Reduction Volume shall be provided unless technical justification is provided regarding the unfeasibility. Strongly recommend investigating the site and identify location where RRv can be provided and re-design/revise the layout to comply with the RRv requirement.
- Discharge from the stormwater management facility shall not create adverse effect downstream of the property (ies).
- A lot combination application shall be submitted and approved prior to the submittal of the Land Disturbance/Development Permit (LDP) application.

Modification of the zoning conditions of the commercial property to allow it to operate as general office space is consistent with the surrounding uses and supports the needs of the surrounding community. The proposed use and site development complies with the goals of the OI zoning district (Section 27-2.29.1), including: *A. To provide convenient areas within the county for the location of office and institutional uses which are necessary for the residents and business and professional practitioners within the county; and D. To promote compatible development, in size and scale, to surrounding development.* Additionally, the redevelopment meets the goals of the 2050 Comprehensive Plan for the Commercial Redevelopment Corridor character area including *to improve the function and aesthetic appeal of commercial corridors in the County and promote the redevelopment of commercial corridors in decline* (page 41). Therefore, after review of the criteria regarding official changes to the zoning map found in Sections 27-7.3.4, staff recommends “Approval, with conditions”.

PLANNING COMMISSION VOTE: Approval with Conditions 8-0-0. Jan Costello moved, Jana Johnson seconded for approval with three (3) conditions, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 9-0-0.