



Legislation Details (With Text)

**File #:** 2020-1171    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 9/24/2020    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 1/28/2021    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 4 & 6  
 Application of Lennar Corporation c/o Battle Law P.C. to rezone properties from R-85 (Single-Family Residential) District to RSM (Small Lot Residential Mix) District to construct urban detached townhomes at a density of 4.38 units per acre, at 4549 Erskine Road and 1247 Oakmont Drive.

**Indexes:**

**Attachments:** 1. Z 20 1244238 Recommended Conditions, 2. Lennar Corporation Z 20 1244238 staff report

Date	Ver.	Action By	Action	Result
1/28/2021	1	Board of Commissioners - Zoning Meeting	denied	Pass
1/7/2021	1	Planning Commission	denied	Pass
11/19/2020	1	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
11/5/2020	1	Planning Commission	Full cycle deferral per staff recommendation	Pass

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

**SUBJECT:**

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

**Application of Lennar Corporation c/o Battle Law P.C. to rezone properties from R-85 (Single-Family Residential) District to RSM (Small Lot Residential Mix) District to construct urban detached townhomes at a density of 4.38 units per acre, at 4549 Erskine Road and 1247 Oakmont Drive.**

**PETITION NO: D5. Z-20-1244238 2020-1171**

**PROPOSED USE: Urban Detached Townhomes.**

**LOCATION:** 4549 Erskine Road and 1247 Oakmont Drive, Clarkston, GA 30021.

**PARCEL NO. :** 18-121-02-001, 18-121-12-007

**INFO. CONTACT:** John Reid, Sr. Planner

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

**PURPOSE:**

Application of Lennar Corporation c/o Battle Law P.C. to rezone properties from R-85 (Single-Family Residential) District to RSM (Small Lot Residential Mix) District to construct up to 63 urban single-family homes at a density of 5.2 units per acre. The property is located on the south side of Erskine Road, the west side of Oakmont Drive, and the northeastern terminus of Oakmont Drive, approximately 430 feet west of Rays Road

at 4549 Erskine Road and 1247 Oakmont Drive in Clarkston, Georgia. The property has approximately 288 feet of frontage along Erskine Road and 250 feet of frontage along Oakmont Drive and contains 12.11 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (12/15/2020) Deferral. (10/20/2020) Full cycle deferral.

**PLANNING COMMISSION:** (1/7/2021) Denial. (11/5/2020) Full Cycle Deferral.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** At the November 19, 2020 Board of Commissioners meeting, the applicant's plans proposed urban single-family homes with buildings located (within three feet of each other on small 25-foot wide lots which were not compatible with the traditional, suburban, single-family, detached homes in the surrounding R-85 zoned subdivisions which contain homes located at least ten feet away from each other. The Planning Department recommended "Full Cycle Deferral" to allow sufficient time for the applicant to revise the site plan and rezoning application to consider a more traditional single-family detached site design (with buildings at least ten feet away from each other) that would be more compatible with the surrounding R-85 single-family residential development pattern. Since the November 19<sup>th</sup> Board of Commissioner meeting, the applicant has submitted revised site plans to decrease the number of units from 63 (5.2 units per acre) to 53 (4.38 units per acre) urban detached townhomes and increased the amount of open space from 25% to 29% (only 20% required). However, the proposed urban detached "townhomes" are still located close together (within five feet of each other); on 25-foot wide, 1,350 square foot lots; and are not compatible with the traditional suburban detached homes in the adjacent and surrounding R-85 zoned subdivisions. Those homes are at least ten feet from each other; on lots with minimum sizes of at least 12,000 square feet; and minimum lot widths of 85 feet (Sec. 7.3.5.B). It does not appear that the proposed rezoning request is consistent with the policies and strategies of the Suburban Character Area to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns (Suburban Policy #1). While RSM zoning is located in the general area (approximately two tenths of a mile to the west (Country Address Subdivision) and three tenths of a mile to the east (Joshua Crossing Subdivision and others), those RSM zoned subdivisions contain traditional suburban single-family homes at least ten feet away from each other. Permitting the proposed request at this location would allow the encroachment of urban, single-family homes in an area intended to be developed with traditional, suburban, single-family, detached homes. The Transportation Department has indicated that the applicant needs to verify intersection sight distance for Erskine Road for existing vehicles" and stopping sight distance for cars waiting to turn left into the development (see attached Transportation comments). However, no such information has yet been submitted to the Planning Department. Therefore, it cannot be determined if the proposed request will result in a burdensome use of existing streets and transportation facilities. (Sec. 7.3.5.G) Upon consideration of the above-mentioned concerns, it is the recommendation of the Planning and Sustainability Department that the rezoning application be "denied". Notwithstanding Staff's recommendation, since the original plans were submitted it appears that there may be more significant community support for the project due to the extraordinary amount of open space (29% provided and only 20% required) and tree preservation being provided on the revised plans between the proposed lots and the adjacent subdivisions. The applicant has held numerous discussions with community stakeholders. "Should the rezoning request and revised plans be approved, Staff offers the attached recommended conditions for consideration".

**PLANNING COMMISSION VOTE:** (1/7/2020) Denial 8-0-0. L. Osler moved, J. Johnson seconded for Denial. Full Cycle Deferral 6-2-0. L. Osler moved, J. Johnson seconded for a Full Cycle Deferral, per Staff recommendation. T. Snipes and P. Womack, Jr. opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: (12/15/2020) Deferral 13-0-0.** To allow more community input from all affected neighbors and to allow the opportunity for the plans to be revised to consider a more traditional single-family detached site design (with buildings at least ten feet away from each other) that would be more compatible with the surrounding R-85 single-family residential development pattern.

**(10/20/2020) Full Cycle Deferral 11-0-0.** The Council recommended Full Cycle Deferral at the applicant's request. Issues discussed included traffic congestion/safety concerns, drainage impacts and if the proposed detention could be redesigned to be underground, zoning and land use consistency of RSM and Urban Detached Townhomes with surrounding properties, property value impacts, validity of proposed density bonuses, security issues for neighbors relating to the proposed multi-use trail connecting Oakmont Drive to Erskine Road, adequate lighting of area, sufficiency of sewer capacity, and rental caps on the proposed units.