



## Legislation Text

File #: 2023-0585, Version: 1

### SUBSTITUTE

Public Hearing: YES  NO

Department: Planning & Sustainability

### SUBJECT:

**COMMISSION DISTRICT(S): Commission District 03 Super District 07**

**Application of Devon Hudson to rezone property from NS (Neighborhood Shopping) zoning district to MU-1 (Mixed Use) zoning district to allow for a mixed-use building with live/work and retail/restaurant uses, at 4750 Flat Shoals Parkway.**

**PETITION NO: N3-2023-0585 Z-23-1246456**

**PROPOSED USE: Mixed-use building, with live/work and retail/restaurant uses.**

**LOCATION: 4750 Flat Shoals Parkway, Decatur, Georgia 30034.**

**PARCEL NO. : 15-068-01-066**

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

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

### PURPOSE:

Application of Devon Hudson to rezone property from NS (Neighborhood Shopping) zoning district to MU-1 (Mixed Use) zoning district to allow for a mixed-use building with live/work and retail/restaurant uses. The property is located at 4750 Flat Shoals Parkway in Decatur, Georgia.

### RECOMMENDATION:

**COMMUNITY COUNCIL: Approval.**

**PLANNING COMMISSION: Two-Cycle Deferral.**

**PLANNING STAFF: Approval with Conditions.**

**STAFF ANALYSIS:** Since the August 22, 2023, Board of Commissioner meeting, it appears that the applicant has submitted most of the information required by the MU-1 zoning district per Section 2.19.4 of the *Zoning Ordinance*. The subject property is part of the “*Water Towers*” commercial subdivision. The property’s irregular shape extending approximately 600 feet from Flat Shoals Parkway is the last remaining vacant tract of land. The various commercial tracts have been created and developed in a piece-meal manner via three administrative lot splits (i.e., one lot into two lots) since 2011. Based on the submitted information, the applicant has developed a State Farm office building, a Waffle House, and an Anytime fitness center within this commercial subdivision. Based on the submitted information, the MU-1 (Mixed-Use Low Density) rezoning proposal to allow a two-story building with a mixture of commercial (first floor) and residential uses (four multi-family apartments on second floor) at a density of three units per acre is *generally* consistent with the Commercial Redevelopment Corridor (CRC) Character Area calling for the following strategies and policies: 1) Provide for development at maximum densities of 30 units per acre and maximum three- story building

heights; and 2) improve the function and aesthetic appeal of commercial corridors in the county and promote the redevelopment of commercial corridors in decline (2050 Comprehensive Land Use Plan, CRC Description, page 37). The lower development intensities of MU-1 are appropriate on the edges of the CRC Character Area where the subject property is located, allowing future opportunities for more intense mixed-use zoning and development to be located closer to the CRC center at the Flat Shoals Parkway/Wesley Chapel Road intersection. Since the property is surrounded by commercial (NS) zoning and does not abut any residential areas, the MU-1 zoning district could allow appropriately designed development that would be compatible with surrounding properties. There has been no indication from reviewing agencies and departments that the proposed development would be excessively burdensome on the existing infrastructure. Based on the submitted site plan, several variances would appear to be required including but not limited to the following: 1. A 10-foot-wide landscape strip is required along the Flat Shoals Parkway right-of-way with one street tree for every 50 feet of street frontage; 2. A 6-foot-wide landscape strip with street trees for every 50 feet of frontage is required along the private street frontage (revised plan shows a 5-foot-wide landscape strip); and 3. Maximum side yard setback allowed by MU-1 district is 20 feet, proposed concept plan shows a 30-foot-wide building setback. The Zoning Board of Appeals will ultimately decide whether the site conditions warrant any required variances. Taken as a whole, the conceptual layout of the proposed rezoning request appears to be generally compatible with the surrounding area and consistent with the policies and strategies of the CRC Character Area.

**PLANNING COMMISSION VOTE: Two-Cycle Deferral 9-0-0.** Vivian Moore moved, Edward Patton seconded for a two-cycle deferral to the November 2023 zoning agenda.

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