



Legislation Text

File #: 2024-0106, Version: 1

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

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07

Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district, at 3744 Redan Road.

PETITION NO: D3-2024-0106 Z-24-1246799

PROPOSED USE: Rental townhomes.

LOCATION: 3744 Redan Road, Decatur, Georgia 30032

PARCEL NO. : 15-220-01-026

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: (June 2024) Denial. (Feb. 2024) Full cycle deferral.

PLANNING COMMISSION: (July 11, 2024) Pending. (March 5, 2024) Two-cycle deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant, Battle Law, P.C., is seeking to rezone the subject property from the R-75 (Residential Medium Lot-75) Zoning District to the MR-1 (Medium Density Residential - 1) Zoning District for the development of a single-family, attached rental community. The applicant has also filed a companion application (LP-23- 1246832) to amend the future land use map from the SUB (Suburban) to CRC (Commercial Redevelopment Corridor) character area. Based on the submitted information, the proposal to allow three-story townhomes at a density of approximately ten (10) units per acre is generally consistent with the policies and strategies of the CRC Character Area. CRC focuses on the redevelopment of commercial corridors in decline with townhomes, apartments, retail, office, and commercial at maximum building heights of 3 stories and maximum densities of 18 units per acre (Pg. 37 *2050 Unified Plan*). If approved, the future land use designation will support this

rezoning request and the proposed project. The requested MR-1 zoning provides a transition between the O-I (Office Institutional) zoning to the west and the MR-2 zoned single-family subdivision to the east and is consistent with the MR-1 zoning approximately three hundred (300) feet to the west of the subject site. The subject property is located adjacent to the Covington Overlay District, Covington Highway Corridor Master Active Living Plan study area, and the Indian Creek District Overlay. The site is a transitional parcel, and thus, requires a more nuanced review and a site-specific development. The proposed development would consist of sixty-three (63) units at a density of approximately ten (10) dwelling units per acre. The proposed MR-1 zoning district allows a maximum base density of eight (8) units per acre; densities above 8 up to a maximum of twelve (12) units per acre are allowed with the provision of density bonus features. As specified in Section 2.12.7 *Bonus Density Qualifying Standards*, the subject site is within an Opportunity Zone, which provides a 100% bonus above the base density (8). While the density bonus calculation is not included on the applicant's site plan, Staff has requested the site plan to be updated. However, it does appear the applicant has met the density bonus ($8 \text{ du/a} + (8)100\% = 16 \text{ du/a}$) but since the bonus maximum is 12, the applicant is capped at 12 du/a. The proposed zoning and land use appear to be consistent with the surrounding land uses. However, the conceptual plan submitted to Staff in May of 2024 (labeled "A" enclosed) received feedback that must be addressed in order for the project to comply with the *Zoning Ordinance*. The updated conceptual plan ("Updated Site Plan -A" enclosed) presents a design which still fails to comply with the *Zoning Ordinance*. While the applicant has worked with Staff to provide alternative design scenarios, the site's size may inhibit a development that would provide the desired number of units for the developer and meet the *Zoning Ordinance* requirements. The proposed development appears to meet the required 30-foot buffers 9(Section 5.4.5 *Transitional Buffers*) along the northwest property line adjacent to a single-family detached subdivision, however, they are disturbed which may require a variance from the Zoning Board of Appeals. The updated conceptual plan incorporates one (1) cul-de-sac and three (3) permanent dead-end streets and/or parking areas. DeKalb County Subdivision Regulations specify street designs meet the maximum cul-de-sac length (1,200 feet) which the applicant provides. However, compliance with Section 5.7.6 *Single Family Attached Buildings* (C. 3 and C.10) regarding alley length (150 feet) and/or private drive requirements was not provided on the updated conceptual plan. A pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks is required per Section 5.7.6. (3) *Single-family attached buildings*. It does not appear the applicant has met this requirement. Additionally, block length per Section 5.1.1 *Blocks* has not been provided on the conceptual plan. Furthermore, the development provides minimal amenities aside from two (2) small pocket parks and an enhanced stormwater retention pond area. Interdepartmental comments include satisfying conditions specific to stormwater and tree protection (see attached). These have not been addressed on the updated site plan. The *2050 Unified Plan* calls for developments that foster walkability through compact development and mixed-use districts, aligning with CRC character area guidelines which also emphasize the importance of complementing single-family areas in height and density (Pg. 37). The balance between minimal pedestrian-oriented design (aside from the sidewalk network along Redan Road and the stormwater detention area) and building mass, may not enhance the residential appeal of the surrounding community. The current site design does not meet applicable development standards. In order to meet the development requirements, the number of units may need to be decreased due to the size and shape of the parcel. The design does not encourage a denser street grid as part of the redevelopment, the design includes one (1) dead-end street along Redan Road with limited interconnectedness and public space. As ongoing development in the vicinity continues (including mixed-use projects, like the redevelopment of Indian Creek MARTA Station, Electric Owl Studios, and residential infill projects), the area may require careful attention of integral design and

density management of infill parcels along Redan Road. Particularly those bordering Overlay Districts, SAP's, and single-family neighborhoods. The site plan, as designed, does not appear to meet development requirements (Sections 5.4.5, 5.7.6, 5.1.1) and may not contribute to the compatibility to the proposed Land Use Amendment (CRC). Therefore, upon review of Section 7.3.5. (A, B, and D) of the *Zoning Ordinance*, staff recommends "Denial of the rezoning request". However, Staff continues to support the land use amendment of the subject form SUB to CRC.

PLANNING COMMISSION VOTE: (July 11, 2024) Pending. (March 5, 2024) Two-Cycle Deferral 7-1-0. Jan Costello moved, Edward Patton seconded for a two-cycle deferral to the July 2024 zoning agenda. Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 2024) Denial 7-0-0. (Feb. 2024) Full Cycle Deferral 9-0-0.