



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Legislation Details (With Text)

**File #:** 2018-3074    **Version:** 2    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 11/30/2018    **In control:** Board of Commissioners  
**On agenda:** 4/23/2019    **Final action:** 4/23/2019  
**Title:** COMMISSION DISTRICT(S): 4 & 6  
Application of Ralston George to rezone property from R-75 (Residential Medium Lot) District to MU-1 (Mixed-Use Low Density) District to develop 60 attached townhome units and appr 40,000 square feet of retail development, at 3780, 3770, 3764, 3762 & 3756 Covington Highway.

### Indexes:

**Attachments:** 1. 2019.04.23 Item 2019-3074, 2. Recommended Conditions Z 19 1235327, 3. Staff Report Z 19 1235327, 4. Revised Conditions 2019 04.23 Item 2018-3074, 5. Ordinance and Final Conditions Z-19-1235327 Ralston George

Date	Ver.	Action By	Action	Result
4/23/2019	2	Board of Commissioners		
3/26/2019	2	Board of Commissioners - Zoning Meeting	deferred for 30 days	Pass
3/5/2019	2	Planning Commission	approved with conditions per staff recommendation	Pass
1/22/2019	2	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
1/8/2019	2	Planning Commission	Full cycle deferral per staff recommendation	Pass

Substitute

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

### SUBJECT:

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

**Application of Ralston George to rezone property from R-75 (Residential Medium Lot) District to MU-1 (Mixed-Use Low Density) District to develop 60 attached townhome units and appr 40,000 square feet of retail development, at 3780, 3770, 3764, 3762 & 3756 Covington Highway.**

**PETITION NO: Z-19-1235327**

**PROPOSED USE:** Mixed Use (Retail & Townhomes)

**LOCATION:** 3780, 3770, 3762 & 3756 Covington Highway

**PARCEL NO.:** 15-219-01-007 through 15-219-01-011

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

### PURPOSE:

Application of Ralston George to rezone from R-75 (Residential Medium Lot) District to MU-1 (Mixed Use Low Density) District to develop 60 attached townhome units and approximately 40,000 square feet of

retail development. The property is located on the north side of Covington Highway beginning at the northwest intersection of Covington Highway and Porter Road at 3780, 3770, 3764, 3762 and 3756 Covington Highway. The property has approximately 350 feet of frontage along the north side of Covington Highway and contains 11 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (2-1-19) Denial (12-18-18) Full Cycle Deferral

**PLANNING COMMISSION:** (3-5-19) Approval Conditional; (1-8-19) Full Cycle Deferral

**STAFF RECOMMENDATION:** Approval with Conditions

**PLANNING STAFF:** Approval with Conditions

**PLANNING STAFF ANALYSIS:** The zoning proposal to the MU-1 (Mixed Use Low Density) District is consistent with the following policies of the 2035 Comprehensive Plan: Utilize the zoning code to provide a variety of housing opportunities and choices to better accommodate the needs of residents. Mixed use developments shall include a variety of home styles, densities and price ranges in locations that are accessible to jobs and services. The development as proposed is suitable given it is nearby C-2 (General Commercial), C-1 (Local Commercial) and O-I (Office-Institutional) zoned districts west of the site along Covington Highway. The rezoning request to the MU-1 District provides an appropriate transition of land use along Covington Highway from higher to lower density residential and from C-2 to MU-1 to R-75 (Residential Medium Lot) District on the east side of Porter Road. Transportation improvements as required by GDOT and DeKalb County Public Works Department will help mitigate the impact on traffic in the area. Adherence to site development standards for the MU-1 zoning district and Staff recommended conditions should provide an esthetically pleasing development for County residents on the vacated site and improve the visual appearance on Covington Highway. Per Planning Staff request, the applicant submitted a traffic study and archeology study to further evaluate the impact of the proposed development on the subject site. The traffic study (see attached) basically concluded that the study intersections (Porter Road and Covington Highway) will continue to operate at acceptable levels of service, in the future year 2020 with the proposed development. Since the proposed development's traffic impacts to the adjacent roadways are minimal and do not alter the level of service grade at the existing intersections, traffic mitigation is not required. Planning Staff worked with the Transportation Division of the Public Works Department to implement streetscape and landscape improvements to enhance the quality of the development, which have been included in the attached recommend conditions. The applicant contracted with R.S. Webb & Associates to conduct an archeology study (see attached) on a portion of the site near Porter Road. The intent of the study was to determine the possible existence of human graves on the site given the site's location in close proximity to the Porter Road Cemetery. The archeology study basically concluded that in no instances were contiguous areas of loose soil encountered that would suggest the presence of one or more human graves. The only location where probing could not be conducted to search for graves was an area where a 25-foot concrete drive way apron was present along Porter Road. Planning recommends the following conditions should the Board of Commissioners approve the rezoning request.

**PLANNING COMMISSION VOTE:** (3-5-19) Approval Conditional, 7-1-0. L. Osler moved, A. Atkins seconded for approval with Staff's conditions. T. Snipes opposed. (1-8-19) 7-1-0. V. Moore moved, J. West seconded for a full cycle deferral. T. Snipes opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (2-19-19) Denial, 6-4-1. Increase in traffic along Porter Road. Unused available commercial space along Covington Highway for proposed retail uses. (12-18-18) Full Cycle Deferral, 10-1-0. The Community Council voted to defer to allow the applicant to provide

more detailed information on the proposed development.