



Legislation Details (With Text)

File #: 2019-4355 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 9/24/2019 **In control:** Board of Commissioners
On agenda: 12/17/2019 **Final action:**
Title: COMMISSION DISTRICT(S): 3 & 6
Application of Epic XXXVII, LLC c/o Battle Law, PC to rezone property from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60) (former request RSM) to allow development of 49 single-family detached homes at a density of 3.29 units per acre, at 2354 & 2378 Whites Mill Road; and 2570 Kelly Lake Road.

Indexes:

Attachments: 1. Z 19 1243517 Staff Report, 2. Z 19 1243517 Recommended Conditions

Date	Ver.	Action By	Action	Result
12/17/2019	1	Board of Commissioners		
11/19/2019	1	Board of Commissioners - Zoning Meeting	deferred for 30 days	Pass
11/5/2019	1	Planning Commission	No recommendation	

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

SUBJECT:

COMMISSION DISTRICT(S): 3 & 6

Application of Epic XXXVII, LLC c/o Battle Law, PC to rezone property from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60) (former request RSM) to allow development of 49 single-family detached homes at a density of 3.29 units per acre, at 2354 & 2378 Whites Mill Road; and 2570 Kelly Lake Road.

PETITION NO: N1. Z-19-1243517

PROPOSED USE: Single-family residential subdivision.

LOCATION: 2354 & 2378 Whites Mill Road, and 2570 Kelly Lake Road, Decatur.

PARCEL NO. : 15-138-07-019, -050, -051

INFO. CONTACT: Marian Eisenberg

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PURPOSE:

Application Z-19-1243517 of Epic XXXVII, LLC c/o Battle Law, PC to rezone property from R-75 (Residential Medium Lot) to R-60 (Residential Small Lot-60) (former request RSM) to allow development of 49 single-family detached homes at a density of 3.29 units per acre. The property is located at the northeast corner of Whites Mill Road and Kelly Lake Road at 2354 & 2378 Whites Mill Road and 2570 Kelly Lake Road in Decatur. The property has approximately 928 feet of frontage along Whites Mill Road and 778 feet of

frontage along Kelly Lake Road and contains 14.89 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: DENIAL.

PLANNING COMMISSION: NO RECOMMENDATION.

PLANNING STAFF: APPROVAL WITH CONDITIONS.

STAFF ANALYSIS: As a single-family residential development, the proposed development would be consistent with the single-family residential character of the surrounding area and is generally consistent with policy No. 1 of the Suburban Character Area to “protect stable neighborhoods from incompatible development.” While the density would be higher than that of the older neighborhoods in the area, an increase in density would contribute to the continuing vitality of the area by allowing for development of homes that correspond to a changing housing market. If developed in accordance with the recommended zoning conditions, the proposed development is not expected to adversely affect the existing use or usability of adjacent or nearby property. Adjacent properties to the north and east would be buffered from the development by wooded open space and a 20-foot “tree save” buffer. In addition to the trees in this buffer, a .29-acre wooded area on the north end of the site would be preserved and the site plan shows what appear to be original trees in the rear yards of lots 32-41 and 42-49. Preservation of these natural resources are a positive characteristic of the plan. Therefore, the Department of Planning and Sustainability recommends “Approval with Conditions”.

PLANNING COMMISSION VOTE: No recommendation. 1st Motion: J. Johnson moved for approval as per the staff recommendation. The motion failed for lack of a second. 2nd Motion: J. West moved for denial. The motion failed for lack of a second. The application moves forward to the Board of Commissioners with no recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial, 5-0-0. No quorum. The members present based the recommendation on the following comments by affected neighbors: the R-60 zoning would only benefit the developer, not the neighborhood; the sewer system in the area is overburdened and the existing sewer line leaks into the creek in the Kelly Heights neighborhood; traffic congestion is already an area-wide problem and alternatives to automobile transportation are not being provided; there are already drainage problems and new floodplain boundaries have required many neighbors to purchase expensive flood insurance; the proposed lots are smaller than those in the surrounding area.