



# DeKalb County Government

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

## Legislation Details (With Text)

**File #:** 2019-4356    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 9/24/2019    **In control:** Board of Commissioners  
**On agenda:** 3/10/2020    **Final action:**  
**Title:** COMMISSION DISTRICT(S): 3 & 7  
Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre. The property has 100 feet along Harvest Drive and contains 10.265 acres.

### Indexes:

**Attachments:** 1. 2020 02.11 Item 2019-4356, 2. 2020 01.28 Item 2019-4356, 3. D1 Phoenix City Holdings Z 19 1243522, 4. Recommended Conditions Z 19 1243522

Date	Ver.	Action By	Action	Result
3/10/2020	1	Board of Commissioners	approved with conditions	Pass
2/11/2020	1	Board of Commissioners	deferred substitute	Pass
1/28/2020	1	Board of Commissioners - Zoning Meeting	deferred substitute	Pass
1/7/2020	1	Planning Commission	approval with modified conditions to read as follows:	Pass
11/21/2019	1	Board of Commissioners - Zoning Meeting		
11/21/2019	1	Board of Commissioners - Zoning Meeting		
11/21/2019	1	Board of Commissioners - Zoning Meeting		
11/7/2019	1	Planning Commission	approved with conditions per staff recommendation	Pass

Substitute

**Public Hearing:** YES ☒ NO ☐

**Department:** Planning & Sustainability

### SUBJECT:

#### COMMISSION DISTRICT(S): 3 & 7

Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre. The property has 100 feet along Harvest Drive and contains 10.265 acres.

**PETITION NO:** D1. Z-19-1243522

**PROPOSED USE:** Townhomes

**LOCATION:** 3792 Harvest Drive, Decatur GA, 30034

**PARCEL NO. :** 15-060-01-191

**INFO. CONTACT:** Marian Eisenberg

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

**PURPOSE:**

**Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre. The property has 100 feet along Harvest Drive and contains 10.265 acres.**

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (12/11/19) Denial. (10/14/19) No quorum, no recommendation.

**PLANNING COMMISSION:** (1/7/20) Approval w/modified conditions. (11/7/19) Approval with added conditions.

**STAFF RECOMMENDATION:** (1/7/20) Approval with conditions (11/21/19) Approval with conditions.

**PLANNING STAFF ANALYSIS:** The proposed request to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to construct sixty one single attached townhomes is compatible with the Suburban (SUB) Character Area in the 2035 Comprehensive Land Use Plan and the following policies: density increases, infill development and residential protection. Therefore, it is the recommendation of the Planning and Sustainability Department that the rezoning from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District be approved with Staff's recommended conditions.

**PLANNING COMMISSION VOTE:** (1/7/20) Approval with modified conditions 8-1-0. L. Osler moved, V. Moore seconded for approval with conditions, per Staff's recommendation with a modification to condition #2 to add the word "frontage" to Harvest Drive; and, an added condition #7 to read: "Applicant shall provide for relocation of bus stop during and after construction. T. Snipes opposed. (11/7/19) Approval 7-1-0; V. Moore moved, E. Patton seconded for approval with Staff's conditions, with two added conditions: 1) There shall be a 35% rental cap; and 2) Establish an HOA. T. Snipes opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (12/11/19) Denial 9-1-0. A concerned resident made the following comments: 1) The property is in an environmental hazard area; 2) Not all community members were properly notified; and 3) There have been fair housing complaints. He did not explain the relation of the latter to the rezoning application. There was no discussion by Board members of the reason(s) for their recommendation. (10/14/19) No quorum. No recommendation.