Legislation Details (With Text)

File #:	2020-0835	**Version:** 1	**Name:**		
Type:	Ordinance		**Status:**	Public Hearing	
File created:	7/22/2020		**In control:**	Board of Commissioners	
On agenda:	12/15/2020		**Final action:**		
Title:	COMMISSION DISTRICT(S): 2 & 6 Application of Stein Investment Co., LLC c/o Dennis J Webb to request a rezoning of properties from C-1 (Local Commercial) and C-2 (General Commercial) to HR-3 (High Density Residential-3) district to allow for the construction of a mixed use development consisting of approximately 10,000 square feet of accessory restaurant and retail space and 264 multi-family apartments, at 2814 Clairmont Road.				
Indexes:					
Attachments:	1. 2020 12.15 Item 2020-0835, 2. Z 20 1244108 Staff Report November Cycle, 3. Z 20 1244108 Staff Report Sept Cycle, 4. Traffic Impact Study				

Date	Ver.	Action By	Action	Result
12/15/2020	1	Board of Commissioners		
11/19/2020	1	Board of Commissioners - Zoning Meeting	deferred	Pass
11/5/2020	1	Planning Commission	deferred for a full cycle	Pass
9/24/2020	1	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
9/1/2020	1	Planning Commission	deferred for a full cycle	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Application of Stein Investment Co., LLC c/o Dennis J Webb to request a rezoning of properties from C-1 (Local Commercial) and C-2 (General Commercial) to HR-3 (High Density Residential-3) district to allow for the construction of a mixed use development consisting of approximately 10,000 square feet of accessory restaurant and retail space and 264 multi-family apartments, at 2814 Clairmont Road.

PETITION NO: D2. Z-20-1244108 2020-0835

PROPOSED USE: Mixed Residential and Commercial Development

LOCATION: 2794, 2778, 2804, 2806, 2810, 2814, 3080, & 3070 Clairmont Road and 3068 Briarcliff Road, Atlanta, GA.

PARCEL NOS.: 18-196-04-029, -033, -034, -035, -037, -038, -039, -040, -041

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PURPOSE:

Application of Stein Investment Co., LLC c/o Dennis J Webb to request a rezoning of properties from C-1 (Local Commercial) and C-2 (General Commercial) to HR-3 (High Density Residential-3) district to allow for the construction of a mixed use development consisting of approximately 10,000 square feet of accessory restaurant and retail space and 264 multi-family apartments. The property is located on the northwest corner of Clairmont Road and Briarcliff Road, approximately 120 feet south of Interstate 85 at 2794, 2778, 2804, 2806, 2810, 2814, 3080 and 3070 Clairmont Road, and 3068 Briarcliff Road in Atlanta, Georgia. The property has approximately 670 feet of frontage along Clairmont Road and approximately 196 feet of frontage on Briarcliff Road and contains 3.85 acres.

RECOMMENDATIONS:
COMMUNITY COUNCIL: (10/27/2020) Deferral. **(8/11/2020)** Deferral.

PLANNING COMMISSION: (11/5/2020) Full Cycle Deferral. **(9/1/2020)** Full Cycle Deferral.

PLANNING STAFF: Deferral.

STAFF ANALYSIS: The Briarcliff Road-Clairmont Road Small Area Study is currently underway. The study is in its preliminary stages. Therefore, the Department of Planning and Sustainability recommends "deferral" to allow time for the study to be completed and evaluated in relation to the development proposal for the subject property. For the September zoning cycle, staff recommended "Denial" for the following reasons: The proposal is not consistent with the policy and intent of Regional Centers as stated in the 2035 Comprehensive Plan. The Plan describes Regional Activity Centers as "a concentration of regional serving activities" that have "a high intensity of regional commercial, office, employment areas and higher-education facilities" characterized by "high vehicular traffic and high transit use, including stops, shelters and transfer points". While the proposed restaurant might draw customers from the entire region, the store and services that would comprise the retail component are unlikely to do so, and the development doesn't provide an employment center that would employ a regional work force. The site is too small to accommodate a transit stop, let alone the mixture of transit and other uses that are visualized by the Comprehensive Plan. Moreover, rezoning to the HR-3 zoning classification could establish a precedent that would lead to further rezonings for higher-density or more intense developments with which the street, utility, and service infrastructure would not be able to keep pace. In addition, the 69 units/acre density of the residential portion of the development (earned through a density bonus), and the six- story height of the proposed residential buildings is inconsistent with that of nearby apartment and condominium developments. Therefore, it is the recommendation of Staff that this application be "Deferred, Full Cycle".

PLANNING COMMISSION VOTE: (11/5/2020) Full Cycle Deferral 8-0-0. A. Atkins moved, P. Womack, Jr. seconded for a Full Cycle Deferral, per Staff recommendation. **(9/1/2020) Full Cycle Deferral 7-0-0.** J. West moved, J. Johnson seconded for a "Full Cycle Deferral". The motion passed unanimously 7-0-0. V. Moore was no longer present.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (10/27/2020) Deferral 3-0-0. (8/11/2020) (Deferral 4-0-0) The Community Council Board recommended deferral to allow more time for community input.