



Legislation Details (With Text)

File #: 2022-1991 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 7/26/2022 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 10/4/2022 **Final action:**
Title: COMMISSION DISTRICT(S): Commission District 03 Super District 07
Application of Breakthru House Inc. c/o Battle Law, P.C to rezone properties from O-I (Office Institutional) zoning district and R-75 (Residential Medium Lot-75) zoning district to O-I (Office Institutional) zoning district to allow personal care homes and offices, at 1866 Eastfield Street.

Indexes:

Attachments: 1. Z-22-1245876 1866 Eastfield St. BOC Staff Report

Date	Ver.	Action By	Action	Result
10/4/2022	1	Board of Commissioners - Zoning Meeting		
9/6/2022	1	Planning Commission	Approval	Pass

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 03 Super District 07

Application of Breakthru House Inc. c/o Battle Law, P.C to rezone properties from O-I (Office Institutional) zoning district and R-75 (Residential Medium Lot-75) zoning district to O-I (Office Institutional) zoning district to allow personal care homes and offices, at 1866 Eastfield Street.

PETITION NO: N14. Z-22-1245876 (2022-1991)

PROPOSED USE: Personal care homes and offices.

LOCATION: 1866 Eastfield Street, Decatur, Georgia 30032

PARCEL NO. : 15-170-10-011, 15-170-10-013, 15-170-10-015, 15-170-13-040, 15-170-13-042

INFO. CONTACT: Brandon White, Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Breakthru House Inc. c/o Battle Law, P.C to rezone properties from O-I (Office Institutional) zoning district and R-75 (Residential Medium Lot-75) zoning district to O-I (Office Institutional) zoning district to allow personal care homes and offices. The property is located on the northeast quadrant of Eastfield Street and Glen Valley Drive and the northwest quadrant of Eastfield Street and Northview Avenue, approximately 180 feet east of Candler Road, at 1866, 1874, 1893, 1901, 1909 Eastfield Street Decatur, Georgia 30032. The property has approximately 153 feet of frontage along Northview Avenue, 450 feet of frontage along Eastfield Street, and 115 feet of frontage along Glen Valley Drive and contains 1.37 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Approval.

PLANNING STAFF: 30-Day Deferral.

STAFF ANALYSIS: The applicant, Breakthru House, Inc., owns and operates four (4) substance abuse recovery/treatment facilities for women at 1874, 1893, 1901, and 1909 Eastfield Street. It offers housing and clinical treatment for up to eighteen (18) months for women and their children. Additionally, the organization's administrative office is located at 1866 Eastfield Street. This parcel was rezoned to OI (Office Institutional-conditional) in 1986 for business/professional office uses in the existing structure. The conditional zoning was modified in 2007 to permit Breakthru House, Inc. to expand and modify the existing structure of its office use (see enclosure). Due to service demands, the applicant is seeking a rezoning of its properties in order to redevelop and/or redesign them to increase capacity of its personal care homes: • Rezone 1874 Eastfield Street to facilitate a lot combination with 1866 and combine the existing buildings; and • Rezone 1893, 1901, and 1909 Eastfield Street to facilitate the combination of those lots and construct two, new 2-story residential facilities while retaining the existing residential facilities. ***Please note that on September 6, 2022, the applicant submitted a revised application removing 1866 (PID# 15- 170-13-040) and 1874 (PID# 15-170-13-042) Eastfield Street from the rezoning request.*** A personal care home of seven (7) or more residents is classified as a “community, personal care home.” Given the greater capacity for residents, community, personal care homes are limited to moderate to high density residential districts, mixed-use districts, and commercial zoning districts. Hence, the applicant has requested a rezoning to the OI (Office Institutional) Zoning District. The requested rezoning to OI is consistent with the *Comprehensive Plan* and *Zoning Ordinance*. 1893, 1901, and 1909 Eastfield Street are located in the Commercial Redevelopment Corridor (CRC) future land use character area, which similarly to SUB, includes OI as a permissible zoning district (pg. 116) and lists institutional uses as a primary land use (pg. 115). Additionally, the proposed use is permissible in the I-20 Corridor Compatible Use Overlay District. The proposed site plan for the combination of 1893, 1901, and 1909 Eastfield Street needs to illustrate compliance with the I-20 Corridor Compatible Use Overlay District, where applicable (e.g., setbacks, off-street parking, onstreet parking, sidewalks, multimodal access plans, etc.). Also, stormwater management needs to be addressed. Moreover, a number of neighboring property owners voiced concerns regarding existing operations, expansion plans for increased capacity, and general community welfare at the September 6th Planning Commission meeting. Therefore, upon review of Section 7.3.5. of the *Zoning Ordinance*, staff recommends a “30-Day Deferral to allow the applicant time to revise plans and engage further with the community”.

PLANNING COMMISSION VOTE: Approval 8-0-0. Vivian Moore moved, Edward Patton seconded for approval.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 5-2-0.