



DeKalb County Government

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

Legislation Details (With Text)

File #: 2022-2262 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 9/27/2022 **In control:** Board of Commissioners
On agenda: 4/25/2023 **Final action:** 4/25/2023
Title: COMMISSION DISTRICT(S): Commission District 3 Super District 6
Application of Toll Brothers c/o Kathryn Zickert, Smith, Gambrell, & Russell LLC to rezone property from O-I (Office Institutional) zoning district to RSM (Small Lot Residential Mix) zoning district to allow the construction of single-family attached townhomes, at 1065 Fayetteville Road.

Indexes:

Attachments: 1. Substitute 2023 04.25 Item 2022-2262, 2. Z-22-1246092 March BOC 2023 Staff Report 1065 Fayetteville Rd, 3. Opposition - 1065 Fayetteville Rd Z-22-1246092, 4. Z-22-1246092 Nov 2022 Staff Report 1065 Fayetteville Rd

Date	Ver.	Action By	Action	Result
4/25/2023	1	Board of Commissioners	approved substitute	Pass
4/11/2023	1	Board of Commissioners		
3/30/2023	1	Board of Commissioners - Zoning Meeting	deferred to the next meeting	Pass
3/7/2023	1	Planning Commission	deferred 30 days	Pass
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
11/1/2022	1	Planning Commission	Full cycle deferral per staff recommendation	Pass

Substitute

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 3 Super District 6
Application of Toll Brothers c/o Kathryn Zickert, Smith, Gambrell, & Russell LLC to rezone property from O-I (Office Institutional) zoning district to RSM (Small Lot Residential Mix) zoning district to allow the construction of single-family attached townhomes, at 1065 Fayetteville Road.

PETITION NO: Z-22-1246092

PROPOSED USE: Single-family, attached townhomes.

LOCATION: 1065 Fayetteville Road, Atlanta, Georgia 30316

PARCEL NO. : 15-147-07-001

INFO. CONTACT: Planning & Sustainability

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Toll Brothers c/o Kathryn Zickert, Smith, Gambrell, & Russell LLC to rezone property from O-I

(Office Institutional) zoning district to RSM (Small Lot Residential Mix) zoning district to allow the construction of single-family attached townhomes. The property is located on the east side of Interstate 20, the north side of Graham Circle, and the west side of Fayetteville Road, at 1065 Fayetteville Road in Atlanta, Georgia. The property has approximately 1,068 feet of frontage along Interstate 20, 536 feet of frontage along Graham Circle, 612 feet of frontage along Fayetteville Road and contains 17.2 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (Feb. 8, 2023) Approval. (Oct. 12, 2022) Denial.

PLANNING COMMISSION: (March 7, 2023) 30-Day Deferral. (Nov. 1, 2022) Full Cycle Deferral.

STAFF RECOMMENDATION: Approval with conditions.

PLANNING STAFF ANALYSIS: The applicant is requesting a rezoning from the O-I (Office Institutional) Zoning District to the RSM (Small Lot Residential Mix) Zoning District for development of a 102-unit (condominium) townhome community. The requested rezoning to RSM is consistent with the *Comprehensive Plan*. The subject property is located in the Suburban (SUB) future land use character area, which includes RSM as a permissible zoning district (pg. 116) and lists “townhomes” as a primary land use (pg. 115). The proposed zoning appears to be suitable based on its surroundings. Interstate 20 (I-20) abuts the subject property to the west. The proposal provides a reasonable land use transition from the interstate to nearby single-family, detached residential uses north and east of the subject property. Moreover, the subject property would be within 300 feet of another RSM zoned townhome development (*Collection at East Lake*). From a wider viewpoint, the subject property would add to the desired pattern of moderate density zoning (e.g., MR-2, RSM, and MR-1) along the I-20 corridor. The applicant is requesting a density bonus of two (2) dwelling units per acre (2DUs/acre) for the maximum density allowed within RSM of six (6) dwelling units per acre (6DUs/acre). In exchange for the density bonus, the applicant proffers the installation of a pocket park and dog park. The revised site plan removes all residential lots from the floodplain. A larger swath of dedicated open space for a pocket park is included. Additionally, a linear greenway is proposed at the center of the development. Therefore, upon review of Section 7.3.5. (A - H) of the *Zoning Ordinance*, staff recommends approval with conditions.

PLANNING COMMISSION VOTE: (March 7, 2023) 30-Day Deferral 8-1-0. Jon West moved; Jan Costello seconded for a 30-day Deferral to the April 25, 2023 Board of Commissioners’ a.m. meeting. Tess Snipes opposed. (November 1, 2022) Full Cycle Deferral 7-1-0. Vivian Moore moved; Jon West seconded for a one-full cycle deferral to the January 2023 zoning agenda. Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (February 8, 2023) Approval 5-2-0. (October 12, 2022) Denial 3-2-1. Council recommended denial due to concerns about fire safety with the units being too close to each other, potential flooding impacts, and the fact that geological studies had not yet been done regarding adequacy of the soils. The Council indicated that even though the Planning & Sustainability Department was charged with ensuring these issues were addressed during the land development permit phase, it appeared that in many cases these issues remained during or after construction.