



Legislation Details (With Text)

File #: 2022-2254 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 9/27/2022 **In control:** Board of Commissioners
On agenda: 5/23/2023 **Final action:**

Title: COMMISSION DISTRICT(S): Commission District 04 Super District 06
 Application of Avondale Park, LLC c/o Felipe Castellanos for a Major Modification to zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed-Use Very High Density) Zoning District for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units, at 3458, 3468 and 3478 Mountain Drive.

Indexes:

Attachments: 1. Substitute 2023 05.23 Item 2022-2254, 2. CZ-22-1246039 March 2023 BOC Staff Report 3458.3468.3478 Mountain Dr, 3. CZ-22-1246039 Nov 2022 Staff Report Mountain Dr

Date	Ver.	Action By	Action	Result
5/23/2023	1	Board of Commissioners	approved substitute	Pass
5/9/2023	1	Board of Commissioners	deferred to the next meeting	Pass
4/25/2023	1	Board of Commissioners	deferred to the next meeting	Pass
3/30/2023	1	Board of Commissioners - Zoning Meeting	deferred for 30 days	Pass
3/7/2023	1	Planning Commission	deferred for two full cycles	Pass
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred for two full cycles	Pass
11/1/2022	1	Planning Commission	deferred for two full cycles	Pass

Substitute

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 06
Application of Avondale Park, LLC c/o Felipe Castellanos for a Major Modification to zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed-Use Very High Density) Zoning District for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units, at 3458, 3468 and 3478 Mountain Drive.

PETITION NO: CZ-22-1246039

PROPOSED USE: A Major Modification to zoning conditions pursuant to CZ-21-1245061.

LOCATION: 3458, 3468 and 3478 Mountain Drive, Decatur, Georgia 30032

PARCEL NO. : 15-251-01-028

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Avondale Park, LLC c/o Felipe Castellanos for a Major Modification to zoning conditions pursuant to CZ-21-1245061 in the MU-5 (Mixed-Use Very High Density) Zoning District for a mixed residential, office, and commercial development to change the use of the office and retail buildings designated as "A", "B", and "C" on the approved concept plan, to now combine those buildings into one mixed-use building with up to 49,000 square feet of commercial and up to 202 apartment units. The property is located on the north side of Mountain Drive, approximately 250 feet east of Farrar Court at 3458, 3468, and 3478 Mountain Drive, Decatur, Georgia. The property has approximately 358 feet of frontage on Mountain Drive and contains 9.32 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (February 16, 2023) Approval w/condition. (October 18, 2022) Approval.

PLANNING COMMISSION: (March 7, 2023) Two-Cycle Deferral. (November 1, 2023) 3-Cycle Deferral.

STAFF RECOMMENDATION: Approval with Conditions (5.18.2023)

PLANNING STAFF ANALYSIS: This item was deferred from the May 9, 2023 Board of Commissioner public hearing to allow the applicant time to show compliance with providing a minimum of 20% commercial land uses in the mixed-use project as required by the Zoning Ordinance. The subject property has undergone many modifications over the years. It was rezoned from R-75 to C-1 in 1985. A 2015 proposal rezoned the property from C1 to PC-3 (Pedestrian Community). PC-3 was converted to MU-5 (Mixed Use Very High Density) in 2015. In 2015, the Board of Commissioners approved a redevelopment proposal (CZ 15 19443) which consisted of 11 single-family, detached homes, 35 townhome units, 60 multi-family residential units, 149,100 square feet of office space, and 115,200 square feet of retail space. In 2018, the Board of Commissioners approved a major modification to the project (CZ-18-22125) that reduced the number of single-family, detached homes, increased the number of single-family, attached homes, and removed multi-family units from the project. The office space component remained unchanged at 149,100 square feet, and retail space was reduced from 115,200 to 35,700 square feet. Modifications to building materials, landscaping, and building heights were granted. Lastly in March 2022, the Board of Commissioners approved major modifications related to the residential elevations and building materials and added conditions for solar power and electric vehicle charging (CZ 21 1245061). Modifications to the proposed commercial buildings and the inclusion of live-work units were withdrawn by the applicant. This major modification proposal revisits the configuration and use of the proposed commercial buildings. Currently, the approved site plan includes two office buildings and retail buildings, in addition to the approved residential components that are presently in the development process. Since the last Board of Commissioners meeting the applicant has indicated there will be compliance with the minimum 20% commercial land use requirement within the proposed mixed-use building, which is also a recommended condition of zoning approval. The applicant proposes to consolidate most of the commercial uses into one 8-story mixed-use structure with 49,000 square feet of commercial space on the ground and second floors for a minimum of 20% of the mixed-use building square footage and approximately 202 apartment units. It appears that the re-introduction of multifamily dwelling units is acceptable and in conjunction with the proposed commercial uses is consistent with the mixed-use goals of the Zoning Ordinance and the Kensington Regional Activity Center activity center. Therefore, upon review of Section 7.3.5 of the *Zoning Ordinance*, Staff recommends approval with conditions.

PLANNING COMMISSION VOTE: (March 7, 2023) Two-Cycle Deferral 8-0-1. LaSonya Osler moved, Jana Johnson seconded for a Two-Cycle Deferral to the July 2023 zoning agenda. Jon West abstained. **(November 1, 2022) 3-Cycle Deferral 7-1-0.** LaSonya Osler moved, Jana Johnson seconded for a 3-cycle deferral to the May 2023 zoning agenda, per Staff recommendation. Jan Costello opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (February 16, 2023) Approval w/condition 11-0-0. Approval with the condition that the 2018 approved conditions remain. **(October 18, 2022) Approval 9-0-0.**