



Legislation Details (With Text)

File #: 2023-0072 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 1/9/2023 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 7/27/2023 **Final action:**
Title: COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Bimor, LLC c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-00043 to allow the construction of eight (8) single-family attached townhomes in the RSM (Residential Small Lot) zoning district, at 7006 Covington Highway.

Indexes:

Attachments: 1. CZ-23-1246251 Recommended Conditions July BOC 2023, 2. CZ-23-1246251 July BOC 2023 Staff Report 7006 Covington Hwy, 3. CZ-23-1246251 May 2023 Staff Report 7006 Covington Hwy, 4. Deferral request for 7006 Covington Highway - March 2023 Agenda, 5. CZ-23-1246251 March 2023 BOC Staff Report 7006 Covington Hwy

Date	Ver.	Action By	Action	Result
7/27/2023	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
7/11/2023	1	Planning Commission	approved with conditions per staff recommendation	Pass
5/25/2023	1	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
5/2/2023	1	Planning Commission		
3/30/2023	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
3/7/2023	1	Planning Commission	deferred for a full cycle	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Bimor, LLC c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-00043 to allow the construction of eight (8) single-family attached townhomes in the RSM (Residential Small Lot) zoning district, at 7006 Covington Highway.

PETITION NO: D1-2023-0072 CZ-23-1246251

PROPOSED USE: Construction of eight (8) single-family attached townhomes.

LOCATION: 7006 Covington Highway, Lithonia, Georgia 30058

PARCEL NO. : 16-104-01-004

INFO. CONTACT: Brandon White, Planning Manager

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Bimor, LLC c/o Battle Law, P.C. to request a Major Modification to zoning conditions pursuant to CZ-00043 to allow the construction of eight (8) single-family attached townhomes in the RSM (Residential Small Lot) zoning district. The property is located on the north side of Covington Highway and the west side of Wellington Walk Place, at 7006 Covington Highway, Lithonia, Georgia. The property has approximately 265 feet of frontage along Wellington Walk Place and 150 feet of frontage along Covington Highway and contains 1.09 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (June 12, 2023) Approval. (Apr. 3, 2023) Deferral. (Feb. 6, 2023) Approval.

PLANNING COMMISSION: (July 11, 2023) Approval with Conditions. (May 2, 2023) Full Cycle Deferral. (March 7, 2023) Full Cycle Deferral.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant requests a major modification of zoning conditions of CZ-00043 applicable to the Wellington Walk Subdivision to allow for the construction of seven (7) single-family, attached townhome units in addition to the eighty-two (82) units that were approved by the Board of Commissioners on May 09, 2000. As part of that application, the subdivision was conditionally rezoned Traditional Neighborhood Development (TND) and C-1 (Local Commercial) and a portion of the parent parcel was designated for neighborhood shopping development along Covington Highway. The conditional TND zoning was converted to conditional RSM when the new *Zoning Ordinance* was adopted in 2015. In 2017, two (2) acres of the 3.13 acres was conditionally rezoned to Neighborhood Shopping (NS) for a Family Dollar store. The subject property is the remaining portion of the original parent tract. The existing character area of the subject parcel is Suburban (SUB) and supports the proposed townhome use (*Comprehensive Plan*, pg. 41). The proposed use would be consistent and compatible with the existing townhome uses within the Wellington Walk Subdivision. The applicant originally proposed a total of eight (8) dwelling units with the original submittal of the application. A series of regulatory design changes led to the elimination of one (1) of the eight (8) proposed units. The revised site plan proposes a total of seven (7) new units, which results in eighty-nine (89) units overall in the Wellington Walk Subdivision. The new conceptual site plan shows a configuration that is consistent with development pattern of the original townhomes throughout the rest of the existing subdivision to the north. One notable exception is that although the site plan mentions that the townhomes are to be sold as fee-simple units, no individual lot lines are shown and the townhomes are currently portrayed as townhome-style condominiums, which are permitted but will be enforced differently with respect to certain building standards such as setbacks, lot coverage, lot/unit width, etc. Correspondence with the applicant confirmed that the proposed dwelling units would be standard fee simple townhomes. The change to standard fee simple townhomes on individual lots would likely meet minimum requirements and only require minimal revisions to the site plan; the largest of which would be increasing the unit width to the required 25 feet in the RSM Zoning District for the fee simple configuration. The new site plan demonstrates compliance with density requirements. Proposed community amenities such as enhanced open space (2 unit bonus per acre), sidewalk extensions (0.8 unit bonus per acre), and public art installations (0.8 unit bonus per acre) provide for density bonuses that increase the base maximum density from four (4) units per acre to 7.6 units per acre. With the property comprising 0.965 acres after proposed right-of-way dedication, the seven (7) units would have a proposed density of 7.2 units per acre, meeting the requirement with the proposed bonuses. The portion of Wellington Park Place that traverses through the subject property is private and will remain as a private road, although it will be required to be improved to public street standards and be in compliance with sidewalks, landscaping, and Americans with Disabilities Act (ADA) requirements. An easement allowing access through the private portion of Wellington Walk Place to the existing subdivision to the north and the Family Dollar to the east

already exists as of the time of this analysis. Stormwater management will be addressed via an underground system. Any portions of the development that do not comprise the fee-simple lots shall be maintained by an HOA, including the proposed pocket park, stormwater detention facilities, and the private street. Although the plan is still conceptual at this time, the proposal is consistent with the character of the existing area and appears to comply with zoning and other agency requirements. After a review of Chapter 27-7.3.5 and 7.3.10, the Planning & Sustainability Department recommends *Approval* of the request for major modification to the conditions of CZ-00043. At the Planning Commission meeting on July 11, 2023, the Planning Commission voted to recommend *Approval* of the proposal with additional modifications to conditions. The Planning & Sustainability continues to recommend “Approval, with the additional attached conditions revised on July 18, 2023”.

PLANNING COMMISSION VOTE: (July 11, 2023) Approval w/Conditions 8-0-1. Jon West moved, Edward Patton seconded for Approval with fifteen (15) conditions per Staff recommendation, with a modification to condition #7 to require fencing on the north & west sides of the property addressed in this application. There was an added condition that requires a reasonable percentage of fenestration of the end units (#1 & #7). The requested number of units was amended from 8 units to 7 units. Tess Snipes abstained. **(May 2, 2023) Full Cycle Deferral 8-0-0.** Jan Costello moved, Vivian Moore seconded for a Full Cycle Deferral to the July 2023 zoning agenda. **(March 7, 2023) Full Cycle Deferral 9-0-0.** Deanna Murphy moved, Jan Costello seconded for Full Cycle Deferral to the May 2023 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (June 12, 2023) Approval 6-2-0. (April 3, 2023) Deferral 9-0-0. Motion for deferral for further information regarding a second point of ingress and egress **(Feb. 6, 2023) Approval 9-1-0.**