



DeKalb County Government

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

Legislation Details (With Text)

File #: 2024-0106 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 1/3/2024 **In control:** Planning Commission
On agenda: 7/11/2024 **Final action:**
Title: COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07
Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district, at 3744 Redan Road.
Indexes:
Attachments: 1. Z-24-1246799 Battle Law March 2024 Staff Report

Date	Ver.	Action By	Action	Result
3/28/2024	1	Board of Commissioners - Zoning Meeting		
3/5/2024	1	Planning Commission		

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

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07
Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district, at 3744 Redan Road.

PETITION NO: D3-2024-0106 Z-24-1246799

PROPOSED USE: Rental townhomes.

LOCATION: 3744 Redan Road, Decatur, Georgia 30032

PARCEL NO. : 15-220-01-026

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Battle Law P.C., LLC. to rezone property from R-75 (Residential Medium Lot-75) zoning district to MR-1 (Medium Density Residential-1) zoning district to develop rental townhomes in the R-75 (Residential Medium Lot-75) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: Full cycle deferral.

PLANNING COMMISSION: Two-cycle deferral.

PLANNING STAFF: Two-cycle deferral.

STAFF ANALYSIS: The applicant, Battle Law, P.C., is seeking to rezone the subject property from the R-75 (Residential Medium Lot-75) Zoning District to the MR-1 (Medium Density Residential - 1) Zoning District for the development of a single-family, attached townhome community. The applicant has also filed a companion application (LP-23-1246832) to amend the future land use map from the SUB (Suburban) to CRC (Commercial Redevelopment Corridor) character area. Based on the submitted information, the rezone proposal to allow three-story townhomes at a density of 10 units per acre is *generally* consistent with the policies and strategies of the CRC Character Area. CRC focuses redevelopment of commercial corridors in decline with townhomes, apartments, retail, office, and commercial at maximum building heights of 3 stories and maximum densities of 18 units per acre (Pg. 37 *2050 Unified Plan*). If approved, the future land use designation will coincide with this rezoning request and support the infill project. The proposed MR-1 zoning provides a transition between the O-I (Office Institutional) zoning to the west and the MR-2 zoned single-family subdivision to the east and is consistent with the MR-1 zoning approximately 300 feet to the west of the subject site. The subject property is located adjacent to the Covington Overlay District, Covington Highway Corridor Master Active Living Plan study area, and the Indian Creek District Overlay. The site is a transitional parcel, and thus, requires a more nuanced review. While the proposed land use and zoning appear to be consistent with the surrounding area, the conceptual plan (labeled “A” attached) will need to be redesigned to comply with the *Zoning Ordinance*. The *2050 Unified Plan* advocates for development that fosters walkability through compact development and mixed-use districts, aligning with CRC character area guidelines which also emphasize the importance of complementing single-family areas in height and density (Pg. 37). The proposed townhomes appear to lack the required 30-foot-wide (Section 5.4.5 *Transitional Buffers*) undisturbed buffer along the northwest property line adjacent to a single-family detached subdivision, necessitating a variance. The proposed development would consist of sixty-three (63) units at a density of approximately ten (10) dwelling units per acre. The proposed MR-1 zoning district allows a maximum base density of 8 units per acre; densities above 8 up to a maximum of 12 units per acre are allowed with the provision of density bonus features. Features include enhanced open space, bus shelters, public art, etc. (See Section 2.12.7 Bonus Density Qualifying Standards). Since the applicant’s proposed 10 units per acre is above the maximum base density, density bonus features and calculations must be provided and should be outlined on the submitted conceptual plan (“A”). Moreover, while two (2) small pocket parks are included in the site plan, it is not specified whether or not the parks are satisfying the density bonus requirement based on type (pocket park) and size as described in Section 5.5.3 *Standards and Designs, Table 5.5 - Enhanced Open Space Types with Minimum Size*. Additionally, while cul-de-sacs are permitted, the submitted conceptual plan incorporates one (1) cul-de-sac and two (2) permanent dead-end streets. Based upon Section 14-194 *Permanent Dead-end Streets; Cul-de-sac of the DeKalb County Subdivision Regulations* and Section 5.7.6 *Single Family Attached Buildings (C. 3 and C.10)*, Staff is unclear if the street design meets the maximum cul-de-sac length (1,200 feet) and the maximum alley length (150 feet) and/or private drive requirements. Street length and type is not clarified on the conceptual plan. A pedestrian circulation plan that separates pedestrians from automobiles by providing rear access to the units or designing an alternative location for pedestrian paths or sidewalks is required per Section 5.7.6. (3) *Single-family attached buildings*. It appears there may be an opportunity to incorporate an alley to access buildings in the rear. Additional tabular data needs to be provided to show compliance with MR-1 requirements including but not limited to the following: 1. Clarify if proposed townhomes are fee-simple or condominium; 2. Indicate min lot size and lot width of proposed fee-simple lots; and 3. Verify open space required by MR-1 district. These issues need to be corrected to show conformance with zoning ordinance requirements which contributes to compatibility with surrounding properties. Additionally, interdepartmental comments include satisfying conditions specific to stormwater and tree protection (see attached). Therefore, upon review of Section 7.3.5. (B, D, E, G, H) of the *Zoning Ordinance*, staff recommends a “Three-Cycle Deferral to the September 2024 zoning agenda to allow the applicant to address site plan deficiencies”.

PLANNING COMMISSION VOTE: Two-Cycle Deferral 7-1-0. Jan Costello moved, Edward Patton seconded for a two-cycle deferral to the July 2024 zoning agenda. Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Full Cycle Deferral 9-0-0.