



# DeKalb County Government

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

## Legislation Text

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File #: 2019-4356, Version: 1

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Substitute

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): 3 & 7**

Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre. The property has 100 feet along Harvest Drive and contains 10.265 acres.

**PETITION NO: D1. Z-19-1243522**

**PROPOSED USE:** Townhomes

**LOCATION:** 3792 Harvest Drive, Decatur GA, 30034

**PARCEL NO. :** 15-060-01-191

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

**PURPOSE:**

Application of Phoenix City Holdings, LLC c/o Battle Law P.C. to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to develop sixty-one single family attached townhomes at a proposed density of 5.94 units per acre. The property has 100 feet along Harvest Drive and contains 10.265 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (12/11/19) Denial. (10/14/19) No quorum, no recommendation.

**PLANNING COMMISSION:** (1/7/20) Approval w/modified conditions. (11/7/19) Approval with added conditions.

**STAFF RECOMMENDATION:** (1/7/20) Approval with conditions (11/21/19) Approval with conditions.

**PLANNING STAFF ANALYSIS:** The proposed request to rezone property from R-100 (Residential Medium Lot-100) District to RSM (Small Lot Residential Mix) District to construct sixty one single attached townhomes is compatible with the Suburban (SUB) Character Area in the 2035 Comprehensive Land Use Plan and the following policies: density increases, infill development and residential protection. Therefore, it is the recommendation of the Planning and Sustainability Department that the rezoning from R-100 (Residential

Medium Lot-100) District to RSM (Small Lot Residential Mix) District be approved with Staff's recommended conditions.

**PLANNING COMMISSION VOTE: (1/7/20) Approval with modified conditions 8-1-0. L. Osler moved, V. Moore seconded for approval with conditions, per Staff's recommendation with a modification to condition #2 to add the word "frontage" to Harvest Drive; and, an added condition #7 to read: "Applicant shall provide for relocation of bus stop during and after construction. T. Snipes opposed. (11/7/19) Approval 7-1-0; V. Moore moved, E. Patton seconded for approval with Staff's conditions, with two added conditions: 1) There shall be a 35% rental cap; and 2) Establish an HOA. T. Snipes opposed.**

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: (12/11/19) Denial 9-1-0. A concerned resident made the following comments: 1) The property is in an environmental hazard area; 2) Not all community members were properly notified; and 3) There have been fair housing complaints. He did not explain the relation of the latter to the rezoning application. There was no discussion by Board members of the reason(s) for their recommendation. (10/14/19) No quorum. No recommendation.**