



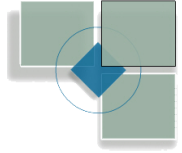
Lee May  
Interim Chief Executive Officer

## DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / [plandev@dekalbcountyga.gov](mailto:plandev@dekalbcountyga.gov)



**Planning Commission Hearing Date: January 5, 2017 6:30 P.M.**

**Board of Commissioners Hearing Date: January 24, 2017 6:30 P.M.**

### STAFF ANALYSIS

**Case No.:** Z-16-20901 **Agenda #:** D-3

**Location/Address:** 2760 and 2772 Briarcliff Road and 2018 and 2030 Cliff Valley Way, Atlanta, Georgia **Commission District: 2 Super District: 6**

**Parcel ID:** 18 157 03 056, 18 157 03 057, 18 157 03 058, 18 157 03 060

**Request:** To rezone from R-85 (Residential Medium Lot) to MR-1 (Medium Density Residential-1) district to allow 25 fee simple attached townhomes in accordance with Chapter 27, Table 4.1 of the DeKalb County Code.

**Property Owner:** Rockhaven Homes

**Applicant/Agent:** Kathryn Zickert

**Acreage:** 2.1

**Existing Land Use:** Single-family homes and vacant land

**Surrounding Properties:** An office (Cliff Valley Psychologist) and school (Atlanta Montessori International School) to the north; single-family homes to the east (Green Hills subdivision); a school (Immaculate Heart of Mary Catholic School), a church (Immaculate Heart of Mary church), multi-family (the Marquis at Briarcliff Apartments), townhomes (Bristol at Briarcliff Townhomes), a vacant building (formerly Briarcliff Library), and vacant land to the south across Briarcliff Road; and single-family attached condominiums (Enclave at Briarcliff Condominiums) to the west across Cliff Valley Way.

**Adjacent Zoning:** **North:** OI **South:** HR-2, OI, RE, MR-1 **East:** R-85 **West:** OI

**Comprehensive Plan:** Current Suburban  
Proposed for Neighborhood Center (Case LP-16-20900) **Consistent**  **Inconsistent**

**Proposed Density:** 12 units per acre **Existing Density:** 1.42 units per acre  
**Proposed Units:** 25 fee simple attached townhomes **Existing Units:** 3 single-family homes and vacant land

## **ZONING HISTORY**

The property has been zoned R-85 since the initial adoption of the DeKalb County Zoning Ordinance in 1955.

## **PROJECT ANALYSIS**

The applicant is requesting to rezone the 2.1 acre property to MR-1 (Medium Density Residential) to allow the demolition of the three single-family homes and redevelop the site with 25 fee simple attached townhomes at a density of 12 units per acre. Since the current Suburban (SUB) character area designation on the property limits the density to a maximum of eight units per acre, the applicant is also submitting a companion land use plan amendment request to change to a Neighborhood Center (NC) Character Area which allows a maximum of 24 units per acre (See companion case LP-16-20900). The proposed townhomes are three stories and will have one access off of Cliff Valley Way, a two-lane local road, via a private drive. The maximum based density allowed in the proposed MR-1 district is eight units per acre. However, the Zoning Ordinance allows a bonus density up to 12 units per acre if the applicant provides 20% of the overall development site (18,295 square feet) as Enhanced Open Space. While open space includes undisturbed areas of the site free of buildings and parking lots, enhanced open space includes active and passive recreation uses such as pocket parks, picnic pavilions, recreational amenities, water features, hardscape materials, gazebos, and urban gardens. The applicant is providing enhanced open space on the site plan in order to achieve the proposed density of 12 units per acre. The applicant's enhanced open space includes three pocket parks (a dog park, a community garden, and a picnic area) and a pervious pedestrian path. The proposed pocket parks comply with the minimum size requirements of 2,000 square feet for each pocket park. Staff's recommended conditions require that 20% of the development site shall comprise enhanced open space. Topography of the project site slopes moderately uphill from Cliff Valley Way and Briarcliff Road towards the northeast. The site contains an abundance of mature trees and vegetation.

The character of the surrounding area consists of an office (Cliff Valley Psychologist) and school (Atlanta Montessori International School) to the north; single-family homes to the east (Green Hills subdivision); a school (Immaculate Heart of Mary Catholic School), a church (Immaculate Heart of Mary church), multi-family (the Marquis at Briarcliff Apartments), townhomes (Bristol at Briarcliff), a vacant building (formerly Briarcliff Library), and vacant land to the south across Briarcliff Road; and single-family attached condominiums (Enclave at Briarcliff Condominiums) to the west across Cliff Valley Way.

## **LAND USE ANALYSIS**

The applicant is requesting to rezone the 2.1 acre property to MR-1 (Medium Density Residential) to redevelop the site with 25 fee simple attached townhomes at a density of 12 units per acre. Since the current Suburban (SUB) character area designation on the property limits the density to a maximum of eight units per acre, the applicant is also submitting a companion land use plan amendment request to change to a Neighborhood Center (NC) Character Area which allows a maximum of 24 units per acre (See companion case LP-16-20900).

The proposed project is in line with the characteristics of the surrounding land use designation of Neighborhood Center which allows an increase in density of up to 24 units per acre. Infill development or new construction should reflect existing neighborhoods. The surrounding designation would also support the proposed land use change providing a consistency of neighborhood center that currently exist in the community. The proposed land use amendment is being approved on the following basis:

- ☐ LUP6: Ensure that new development and redevelopment is compatible with existing residential areas.
- ☐ NCCAP2: Preserve and enhance the integrity and quality of existing residential neighborhoods.

- ☐ NCCAS2: Create neighborhood focal points through the use of existing pocket parks and squares for community activities.
- ☐ SPP3: Encourage developments that are bicycle and pedestrian oriented with connections between different uses.
- ☐ The approval to increase the density of the area to a Neighborhood Center would be compatible with the character and appearance of the existing residential neighborhoods.
- ☐ The requested amendment from SUB to NC is consistent with the 2025 Comprehensive Plan

**IMPACT ANALYSIS**

**Section 7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.**

**A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

The zoning proposal for townhomes at 12 units per acre is consistent with the requested Neighborhood Center (NC) character area which allows a maximum density of 24 units per acre. The zoning proposal is consistent with the following housing policy of the 2025 Comprehensive Plan: “Enhance the county’s existing supply of housing” (HP3) and the following strategy for Neighborhood Center: “Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking, and connectivity (NCCAS9)”.

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

Residential development is suitable at a location where most of the adjoining and nearby properties are developed for residential uses. The proposed single-family attached townhomes are an appropriate transition between the single-family subdivision (Green Hills) to the east and the single-family attached condominiums (Enclave at Briarcliff) to the west across Cliff Valley Way. The proposed single-family attached townhomes are also an appropriate transition between the multi-family (The Marquis at Briarcliff Apartments approved at 30 units per acre) and townhomes (Bristol at Briarcliff approved at 12 units per acre) to the south across Briarcliff Road and the office (Cliff Valley Psychologists) and institutional use (Atlanta Montessori International School) to the north. The natural topography of the site, which slopes downward from adjoining single-family residential properties, and screening provided by preservation of existing trees and installation of new trees along the perimeter of the site, will screen the development from view.

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

It appears that the property currently has a reasonable economic use as currently zoned single-family residential (R-85) since there are existing single-family homes on the property.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

It does not appear that the zoning proposal will adversely affect the usability of adjacent or nearby property since the plan provides for enhanced open space and a thirty (30) foot transitional buffer along its northern and eastern perimeter. Staff’s recommended zoning conditions require upgrading the traffic signal at Briarcliff Road and Cliff Valley Way to provide pedestrian crossings on all legs, including ADA ramps and/or landing pads.

With Staff's recommended conditions, Cliff Valley Way and Briarcliff Road, a minor arterial road, should be able to sufficiently accommodate the additional traffic generated by the higher residential density.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

The proposed single-family attached townhomes are consistent with the surrounding multi-family apartments and townhomes to the south (the Marquis at Briarcliff Apartments and Bristol at Briarcliff Townhomes ) and single-family attached condominiums to the west (Enclave at Briarcliff).

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

Based on the submitted information, it does not appear that the zoning proposal is located in a historic district.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

There has been no indication from reviewing departments and agencies that the proposal could cause excessive use of existing streets, transportation facilities, utilities, or schools.

**H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:**

It does not appear that the zoning proposal will adversely impact the environment or surrounding natural resources since it appears that the proposed single-family attached townhomes are an appropriate transition between the single-family subdivision (Green Hills) to the east and the single-family attached condominiums (Enclave at Briarcliff) to the west across Cliff Valley Way.

**COMPLIANCE WITH DISTRICT STANDARDS:**

MR-1 STANDARD	REQUIREMENT	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 8 d.u.s/acre W/Bonuses: 12 d.u.s/ac.	12 d.u.s/acre (green building bonus)	Will show compliance with min. enhanced open space of 20% of overall site to achieve density of 12 du/ac
MIN. OPEN SPACE	20% = 18,295 s.f.	38,700 s.f.	Yes
MIN. ENHANCED OPEN SPACE FOR DENSITY BONUS	20% of overall site = 18,295 s.f.	9,147 s.f.	Will show compliance with min. enhanced open space of 20% of overall site to achieve density of 12 du/ac
MIN. SIZE OF POCKET PARKS	2,000 s.f.	2,600 s.f.	Yes
MIN. TRANSITIONAL BUFFER	30' buffer required next to R-85	30 foot buffer	No <i>(meets the 30 ft width requirement but a variance will be needed to allow a trail in the required undisturbed buffer and a small portion of the private drive)</i>

MIN. LOT WIDTH	25 ft.	25 feet	Yes
MAX. LOT COVERAGE	65%	Not Provided	Undetermined <i>(Applicant will have to comply or request a variance from Board of Zoning Appeals).</i>
BUILDING SETBACKS	Front Cliff Valley Way 0 ft.  Front Briarcliff Rd Min. 10 ft Max. 20 ft  Front w Alley 5 ft  Side 15 ft  Rear 15 ft	5 ft  Min. 10 ft Max. 30 ft  7 ft  40 ft  20 ft	Yes  No <i>(Needs variance for max. setback off Briarcliff)</i>  Yes  Yes  Yes
MINIMUM UNIT SIZE	1,200 sf	900 sf	No <i>(variance is required)</i>
MAX. BLDG. HEIGHT	3 stories	3 stories	Yes
PARKING	Min. 44 spaces <i>(1.5 spaces + min. .25 for guest pkg.)</i>  Max. 81 spaces <i>(3.0 spaces + .25 for guest pkg.)</i>	Not shown	Undetermined <i>(Applicant will have to comply or request a variance from Board of Zoning Appeals).</i>
BUILDING FORM AND DESIGN	Subject to Article 5		
STREET TREES AND PARKING LOT LANDSCAPING	Subject to Article 5		

**Staff Recommendation: APPROVAL WITH CONDITIONS**

The applicant is requesting to rezone the 2.1 acre property to MR-1 (Medium Density Residential) to redevelop the site with 25 fee simple attached townhomes at a density of 12 units per acre. Since the current Suburban (SUB) character area designation on the property limits the density to a maximum of eight units per acre, the applicant is also submitting a companion land use plan amendment request to change to a Neighborhood Center (NC) Character Area which allows a maximum of 24 units per acre (See companion case LP-16-20900). The zoning proposal is consistent with the following housing policy of the 2025 Comprehensive Plan: “Enhance the county’s existing

supply of housing” (HP3) and the following strategy for Traditional Neighborhoods: “Utilize vacant properties in the neighborhood as an opportunity for the infill development of compatible structures (NCCAS9” (Sec. 7.4.6.A).

The proposed single-family attached townhomes at a density of 12 units per acre are an appropriate transition between the single-family subdivision (Green Hills) to the east within the R-85 (Single-Family Residential) district and the single-family attached condominiums (Enclave at Briarcliff) to the west across Cliff Valley Way within the O-I (Office Institutional) district. The zoning proposal is also an appropriate transition between the multi-family units (The Marquis at Briarcliff Apartments approved at 30 units per acre) and townhomes (Bristol at Briarcliff approved at 12 units per acre) to the south across Briarcliff Road and the office and institutional (Atlanta Montessori International School) uses to the north. The natural topography of the site, which slopes downward from adjoining single-family residential properties, and screening provided by preservation of existing trees and installation of new trees along the perimeter of the site, will screen the development from view (Sec. 7.4.6.B). The Department of Planning and Sustainability recommends “Approval” with the following conditions.

- 1) The development shall have a maximum 25 residential units based on a minimum of 20% (18,295 square feet) enhanced open space to be provided as shown prior to issuance of a Land Disturbance Permit subject to approval of the Director of the Planning and Sustainability Department.
- 2) Enhanced open space shall include three pocket parks with minimum size of 2,600 square feet.
- 3) Enhanced open space shall be provided in a manner similar to what is shown on the site plan titled, “RESIDENTIAL DEVELOPMENT”, prepared by Maxwell Reddick and Associates, dated June 23, 2016.
- 4) Provide 30- foot wide transitional buffer along the entire eastern and northern property line. Provide a six foot high screening fence in accordance with Article 5 of the Zoning Ordinance. The pervious path within the 30 foot wide transitional buffer shall require a variance from the Board of Zoning Appeals. The pervious path, if approved by the Board of Zoning Appeals, shall also provide a connection to the stub-out private drive adjacent to “Pocket Park B”.
- 5) Maximum building height of three stories. Provide compliance with Transitional Height Plane of Article 5.
- 6) Upgrade the traffic signal at Briarcliff Road and Cliff Valley Way to provide pedestrian crossings on all paths, including ADA ramps and/or landing pads. Vehicular ingress and egress shall be subject to approval of the Transportation Division of Public Works.
- 7) Provide a minimum five-foot wide sidewalk and six-foot wide landscape strip along the property frontage of Cliff Valley Drive and a minimum six-foot wide sidewalk and ten-foot wide landscape strip along the frontage of Briarcliff Road as required by Article 5 of the Zoning Ordinance. Landscape strip shall consist of street trees planted at a minimum of 1 tree for every 30 feet on center along Cliff Valley Way and 1 tree for every 40 feet on center along Briarcliff Road.
- 8) Comply with Sketch Plat requirements prior to the issuance of a Land Disturbance Permit.
- 9) The approval of this rezoning application by the Board of Commissioners has no bearing on other approvals by the Zoning Board of Appeals or other authority, whose decision should be based on the merits of the application before said authority.

**Attachments:**

1. Departmental Comments
  - a. Land Development Division
  - b. Traffic Engineering Division

- c. Watershed Management
  - d. Board of Health
2. Application
  3. Site Plan
  4. Zoning Map
  5. Aerial Photograph
  6. Location Photographs

**NEXT STEPS: Following an approval of this action, one or several of the following approvals or permits may be required:**

- ✓ **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- ✓ **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Historic Preservation Certificate of Appropriateness** *(Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- ✓ **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above require submittal**



**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE  
THE PROCESS TO JOHN REID [jreid@dekalbcountyga.gov](mailto:jreid@dekalbcountyga.gov) or  
MADOLYN SPANN [mspann@dekalbcountyga.gov](mailto:mspann@dekalbcountyga.gov)**

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The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines.

**DEVELOPMENT ANALYSIS:**

• **Transportation/Access/Row**

Road improvements are proposed on Briarcliff road and Cliff Valley Road. In order to obtain a Land Disturbance Permit this project will require compliance with DeKalb County Code Ordinance 14-181 to 14-200 for ROW requirements, road and streets improvements.

• **Storm Water Management**

A Land Disturbance Permit is required for the proposed work on this site. In order to obtain a Land Disturbance Permit this project will require compliance with DeKalb County Code of Ordinance 14-40 for Stormwater Management and 14-42 for Stormwater Quality Control.

• **Flood Hazard Area/Wetlands**

This site does not appear to lie with the FEMA Flood Hazard Zone according to County GIS mapping records as of 8/19/2016. This should be verified upon permit application submission.

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• **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for new development should be in compliance with DeKalb County Code of Ordinances 14-39 and are subject to approval from the County Arborist. It should be verified during Land Disturbance Permit application submission proposed construction activities lie outside of any existing tree areas.

• **Tributary Buffer**

The County GIS maps do not indicate a blue line stream on this site.

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- **Fire Safety**

The proposed site must comply with DeKalb County Code Chapter 12 Fire protection and prevention.

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**DeKalb County School District  
Zoning Review Comments**

Analysis Date: 8/22/2016

**Submitted to:** DeKalb County                      **Case #:** Z-16-20901

**Name of Development:** Rockhaven Homes

**Location:** Commission District: 2; Super District 6;

**Description:** Rezoning from R-85 to MR-1 (Medium-Density Residential - 1) to allow for the construction of 22 SF detached townhomes units.

**Impact of Development:** This rezoning, if approved, should have little effect on DCSD schools, adding 2 to local schools (1 at Briar Vista ES, 1 at Druid Hills HS)

Current Condition of Schools	Briar Vista ES	Druid Hills		Other DCSD Schools	Private Schools	Total
		MS	Druid Hills HS			
Capacity	552	1,182	1,425			
Portables	0	0	0			
Enrollment (Projected Oct. 2016)	519	912	1,294			
Seats Available	33	270	131			
Utilization (%)	94.0%	77.2%	90.8%			

**New students from development**                      1                      0                      1                      0                      0                      2

New Enrollment	520	912	1,295
New Seats Available	32	270	130
New Utilization	94.2%	77.2%	90.9%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.019850	0.012117	0.005156	0.037123
Middle	0.009796	0.004383	0.001805	0.015984
High	0.017015	0.001547	0.001289	0.019851
<b>Total</b>	<b>0.0467</b>	<b>0.0180</b>	<b>0.0083</b>	<b>0.0730</b>

**Student Calculations**

**Proposed Units**                      22

Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.44	0.27	0.11	0.82
Middle	0.22	0.10	0.04	0.36
High	0.37	0.03	0.03	0.43
<b>Total</b>	<b>1.03</b>	<b>0.40</b>	<b>0.18</b>	<b>1.61</b>

Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Briar Vista ES	1	0	0	1
Druid Hills MS	0	0	0	0
Druid Hills HS	1	0	0	1
<b>Total</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/22/2016

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N.1

LP-16-20896

3797 and 3805 McElroy Road, Doraville, Georgia.

Amendment

- Please see general comments.
- Septic system installed on property 9/18/97.

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N.2

Z-16-20898

3797 and 3805 McElroy Road, Doraville, Georgia

Amendment

- Please see additional comments.
- Septic system installed on 9/18/16.
- Refer to mosquito prevention checklist (see document).

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N.3

LP-16-20900

2772 & 2760 Briarcliff Road and 2030 & 2018 Cliff Valley Way

Amendment

- Please see general comments.
- Septic system installed on 9/18/16.



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N.4

Z-16-20901

2760 and 272 Briarcliff Road & 2018 and 2030 Cliff Valley Way, Atlanta, Georgia

Amendment

- Please see general comments.

DEKALB COUNTY



Board of Health

8/22/2016

To: Ms. Madolyn Spann, Planning Manager  
Mr. John Reid, Senior Planner  
From: Ryan Cira, Environmental Health Manager  
Cc: Alan Gaines, Technical Services Manager  
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health



DEKALB COUNTY GOVERNMENT  
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MADOLYN SPANN [MSPANN@DEKALBCOUNTYGA.GOV](mailto:MSPANN@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: LP-16-20901

Parcel I.D. #: 18-157-03-056, 18-157-03-057, 18-157-03-058, 18-157-03-060

Address: 2772 and 2760 Braircliff Road

2030 and 2018 Cliff Valley Way

Atlanta, GA 30329

**WATER:**

Size of existing water main: 8" CI, 2" GA Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

**SEWER:**

Outfall Servicing Project: North Fork Peachtree Creek Basin

Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: R. M. Clayton WWTP ( ) adequate ( ) inadequate

Sewage Capacity: \* (MGPD) Current Flow: 77.082 (MGPD)

**COMMENTS:**

<p>* Please note that the determination of available capacity expressed herein is not guaranteed as it is based upon the known conditions as of the date of this correspondence and on the anticipated capacity needs associated with your project.</p>

Signature:

## Reid, John

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**From:** Hill, LaSondra  
**Sent:** Monday, August 22, 2016 11:04 AM  
**To:** Furman, Melora L.; Hill, Karen F.; Reid, John  
**Cc:** Spann, Madolyn  
**Subject:** FW: Inter-Dept. Comments From Transportation.

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**From:** Keeter, Patrece  
**Sent:** Monday, August 22, 2016 11:04 AM  
**To:** Hill, LaSondra  
**Cc:** Pelton, David  
**Subject:** RE: Inter-Dept. Comments From Transportation.

D1- Did not comment, assumed commented previously. Requires GDOT permits.

N1 & N2: McElroy is a collector street. The land development code requires a right of way dedication of 35 feet from centerline. Please see section 14-190 of the Land Development Code and Chapter 5 of the Zoning Code.

N3 & N4: Briarcliff is a minor arterial. Please see requirements in Section 14-190 of the land development code and Chapter 5 of the Zoning Code. Upgrade the traffic signal at Cliff Valley Way and Briarcliff to provide pedestrian crossings on all legs, including ADA ramps and/or landing pads.

N5. North Druid Hills is a major arterial and 2<sup>nd</sup> Tier Bike Priority Network. Please see section 14-190 of the Land Development Code and Chapter 5 of the Zoning Code. Extend sidewalk to Spring Creek Road as shown on the site plan. Coordinate with the scoping phase of the North Druid Hills bridge reconstruction over CSX Railroad project.

N6, N7, & N8: Church Street and North Decatur Road are both minor arterials. Church Street is a on the Tier 2 Bike Priority Network and North Decatur is on the Tier 1 Bike Priority Network. Upgrade the pedestrian crossing at the intersection of North Decatur Road and Church Street, design approval required by the Transportation Division. Signalize the driveway at the entrance off North Decatur Road, if warranted and approved by the Transportation Division. Provide \$100,000 for future signalization (or pedestrian hybrid beacon) at/near Milscott Drive and Church Street, if warranted and approved by the Transportation Division. Provide 72 fiber interconnect between the traffic signal at Church Street to new signal to Winn Way along North Decatur Road and associated drop cables and switches. Upgrade coordinated signal system timing for the Church Street signal system and newly interconnected signals. Provide direct pedestrian/bike access from facilities on the right of way to destinations within the development. Provide well lite, safe bike parking. Ensure that crosswalks at driveways meet ADA cross slope requirements and are placed closed to the adjacent roadway for optimal visibility for turning traffic. Provide any right of way necessary for PI 0006999- Traffic signal upgrade project- at the intersection of North Decatur Road and Church Street.

N9: GDOT permits required. Lawrenceville Hwy is a major arterial and on the Tier 2 Bike Priority Network. Orion Drive is classified as local. Please see section 14-190 of the Land Development Code and Chapter 5 of the Zoning Code.

N10: No Comments

N11: No Comments

N12 & N13. GDOT permits required. Covington Hwy is classified as a major arterial and on the Tier 2 Bike Priority Network. Please see section 14-190 of the Land Development Code and Chapter 5 of the Zoning Code. See code section on driveway offset based on speed limit as this may impact your site plan.

N14: Not distributed for comments.



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**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: Z-16-20901 Parcel I.D. #: 18-157-03-056  
 Address: Cliff Valley Way 057  
@ Brasel Rd 058  
 060

Brasel Rd MAJOR ROAD MAJOR ROAD  
 (classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour Volume (VPH) _____	Peak Hour Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

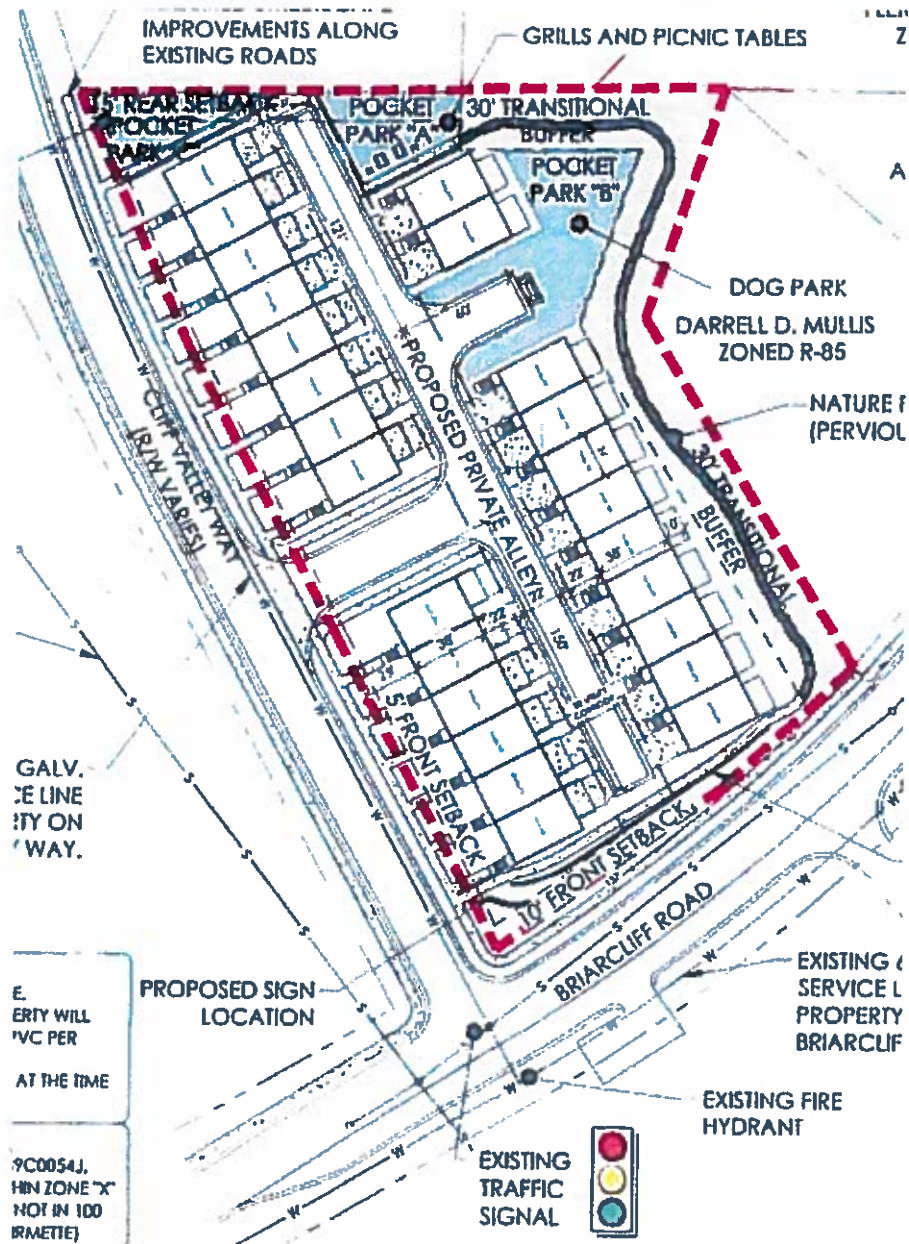
According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

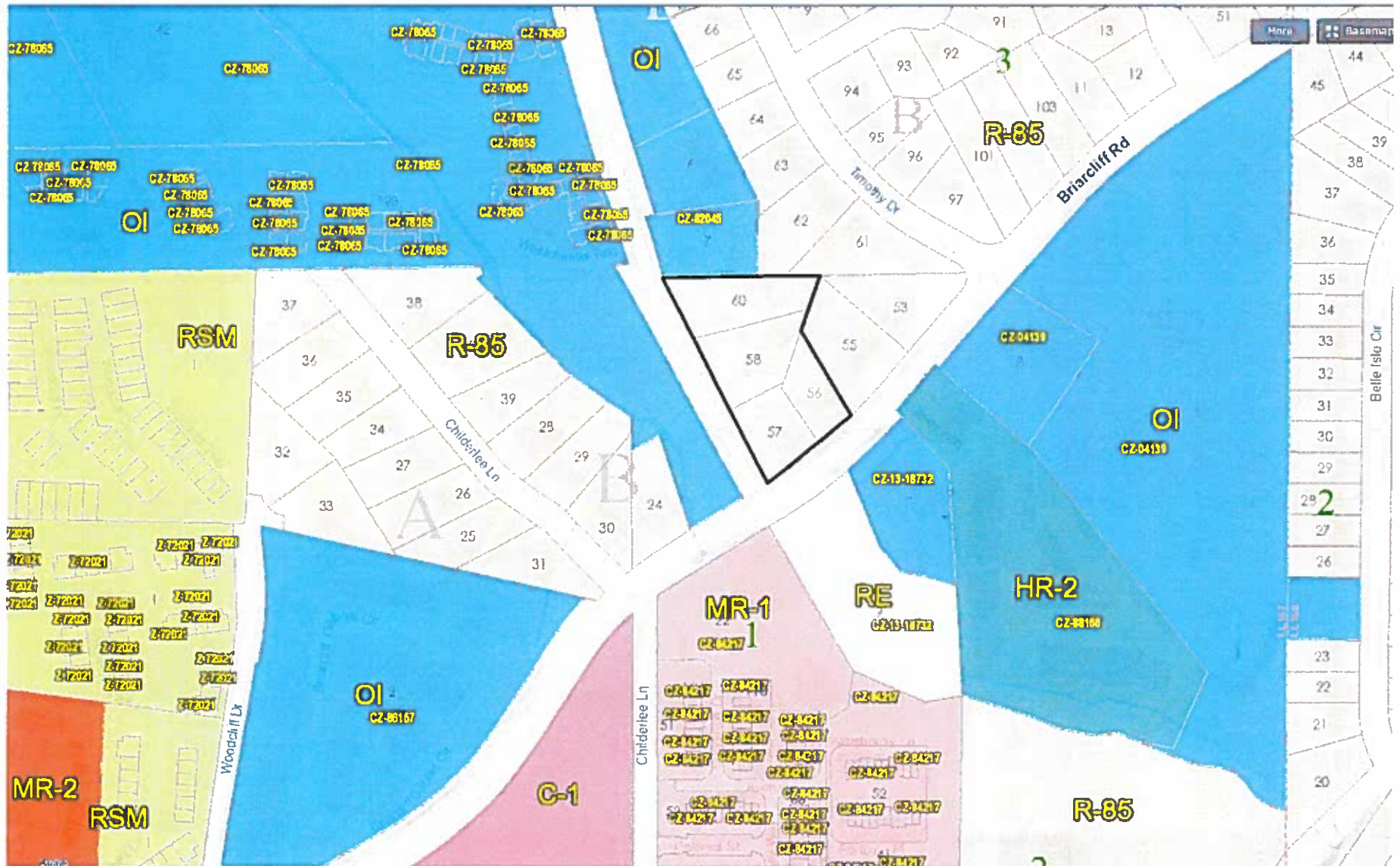
**COMMENTS:**

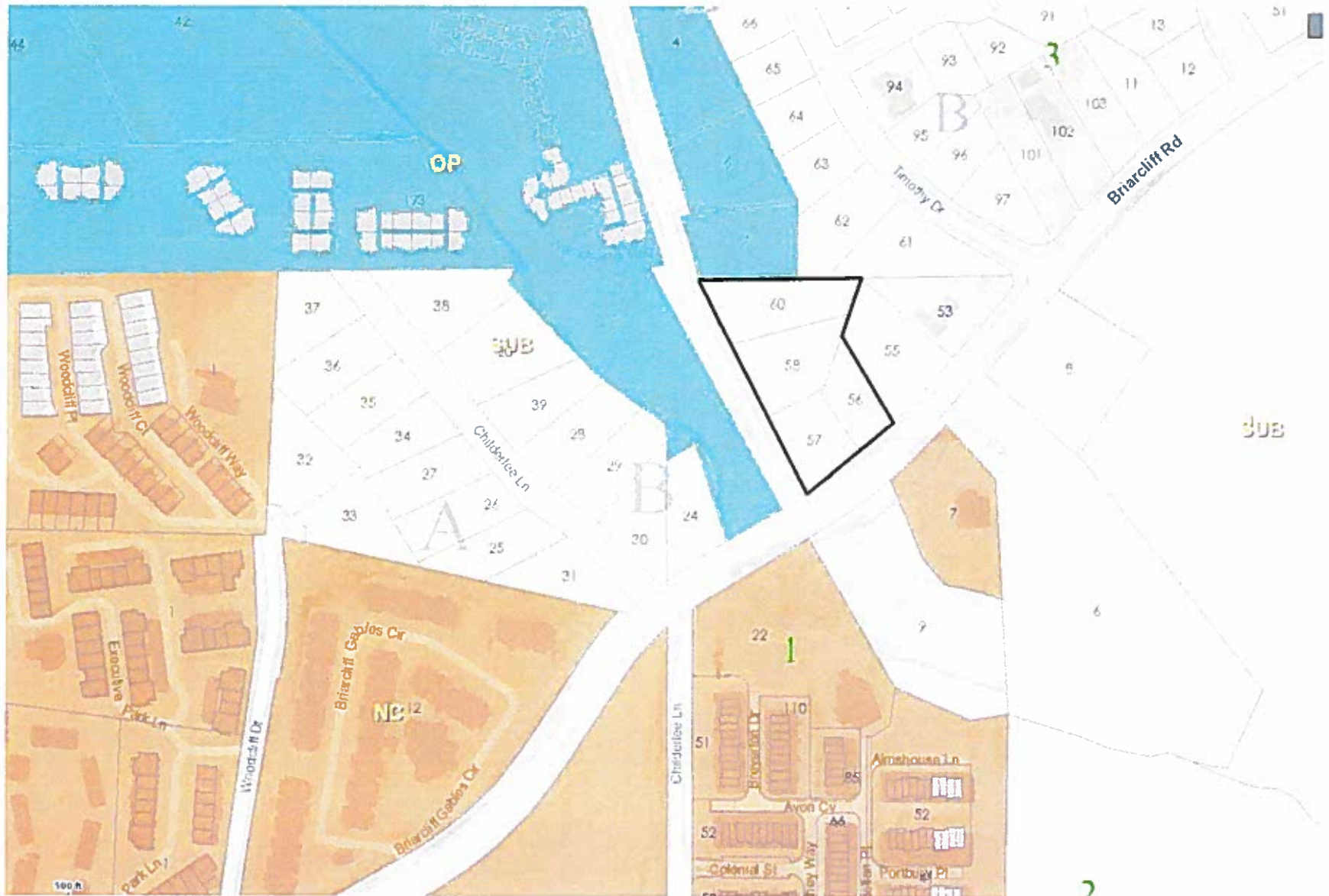
<u>No problem found that would affect traffic flow.</u>

Signature: [Handwritten Signature]









N4

Z 16 20901

Aerial



N4 Z 16 20901

Zoning Map



**FIRST AMENDED STATEMENT OF INTENT**

and

Other Material Required by  
The DeKalb County Zoning Ordinance  
for the  
Rezoning Application  
Application No. Z-16-20901

of

**Rockhaven Homes, LLC**

for

± 2.1 Acres of Land  
located in  
Land Lot 157, 18<sup>th</sup> District, DeKalb County

**From R-85 to MR-1 (conditional)**

Submitted for Applicant by:

Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Vickie B. Chung  
Smith, Gambrell & Russell, LLP  
Promenade, Suite 3100  
1230 Peachtree Street, NE  
Atlanta, Georgia 30309  
404-815-3500

## I. INTRODUCTION

This Application seeks to rezone ±2.1 acres of land located in Land Lot 157, 18<sup>th</sup> District of DeKalb County ("Subject Property"), at the northeastern corner of the intersection of Cliff Valley Way and Briarcliff Road.<sup>1</sup> The Applicant seeks to develop the Subject Property into 25 townhomes. At present, the Subject Property consists of four separate parcels, each of which contains a single-family home constructed in 1959: Parcel No. 18 157 03 060 (1,504 square foot home); Parcel No. 18 157 03 057 (1,722 foot home); Parcel No. 18 157 03 056 (2,214 square foot home); Parcel No. 18 157 03 058 (2,227 square foot home).

Concurrently with this Application, the Applicant also seeks to amend the County's Land Use Plan with respect to the Subject Property from "Suburban" to "Neighborhood Center." The Neighborhood Center land use category allows up to 12 units per acre provided certain factors warrant a density bonus. Here, that factor is enhanced open space. The Applicant will provide three pocket parks, each of which will contain a different amenity, including a dog park, community garden, and grill and picnic area.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and the Impact Analysis as required by the DeKalb County Zoning Ordinance, § 27-7.3.5. A survey of the Subject Property as well as a site plan and conceptual rendering depicting the future townhomes have been filed contemporaneously with the Application, along with other required materials.

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<sup>1</sup> Concurrently with this Application, the Applicant seeks a Land Use Amendment to amend the County's Land Use Plan with respect to the Subject Property from "Suburban" to "Neighborhood Center." Application No. LP-16-20900.

## **II. IMPACT ANALYSIS**

### **A.**

#### **THE PROPOSED ZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COUNTY'S COMPREHENSIVE LAND USE PLAN.**

The Applicant has filed an application to modify the Land Use Map designation for the Subject Property from Suburban to Neighborhood Center. The proposal fosters a number of general policies and strategies of the County's Comprehensive Plan, including:

**HP3:** Enhance the County's existing supply of housing.

**SPP2:** Create pedestrian scale communities that focus on the relationship between the street, buildings, and people.

**SPP3:** Encourage developments that are bicycle and pedestrian oriented with connections between different uses.

**SPP4:** Enhance existing and develop new gateways throughout the County.

**TP7:** Support sustainable developments that are bicycle and pedestrian oriented with connections between different uses.

**LUP4:** Allow increased density to encourage urban lifestyles that support mixed use activity centers.

**LUP6:** Ensure that new development and redevelopment is compatible with existing residential areas.

**NCCAP2:** Preserve and enhance the integrity and quality of existing residential neighborhoods.

**NCCAP4:** Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.

**NCCAS8:** Encourage that all development and redevelopment in activity centers

provide open space and/or contribute to the public realm with wider public sidewalks, pedestrian linkages and other design guidelines.

**NCCAS9**: Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity.

**NCCAS11**: Enhance the pedestrian-friendly environment, by adding sidewalks and creating other pedestrian-friendly trail/bike routes linking to other neighborhood amenities.

**NCCAS14**: Design new developments for increased pedestrian orientation and access.

**B.**

**THE PROPOSED ZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES.**

The Subject Property is currently zoned R-85 and has never been the subject of any rezoning applications. Nevertheless, it is located in a part of DeKalb County that has seen, and continues to see, significant transformation. Immediately surrounding the Subject Property is property zoned OI to the north and west, MR-1 to the south, and O-I to the south and southeast, all of which was rezoned from 1978 to 2013. In light of these changes, rezoning the Subject Property from R-85 to MR-1 makes sense from a land use perspective.

The Subject Property is immediately adjacent to a mix of institutional and high-density residential uses, which include the Atlanta Montessori International School, Rivers Academy, the Enclave at Briarcliff condominium complex, the Bristol at Briarcliff Townhomes, the Marquis at Briarcliff apartments, and the Immaculate Heart of Mary church and Catholic school. The proposed rezoning change is in line with development trends of the area, which favor upscale, higher-density housing on smaller lots.



**C.**

**THE PROPERTY TO BE EFFECTED BY THE ZONING PROPOSAL HAS LIMITED ECONOMIC USE AS CURRENTLY ZONED.**

The Subject Property has some limited economic value as currently zoned. This fact is evident in the development trends in the area immediately surrounding the Subject Property, which has gone from a traditional, large lot suburban neighborhood to a more urban and walkable area with higher-density residential uses and a mix of institutional uses. There is a great demand in the immediate area and the County as a whole for upscale, small lot residential options with open space and amenities, which is exactly what the Applicant proposes for the Subject Property. On the other hand, developing the Subject Property for R-85 uses would not be economical, and would be out-of-step with the development trend in the area towards a balanced mix of uses.

**D.**

**THE PROPOSED ZONING WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTIES.**

The proposed rezoning for the Subject Property will not adversely affect the existing use or suitability of adjacent properties. Rather, it will complement the existing development by providing new, upscale residences in an area that is suitable for high-density residential uses. The Applicant will implement appropriate measures in the design and construction of the proposed townhomes so as not to adversely affect any nearby single-family residences, with appropriate attention to scale, buffering, setbacks, and architectural characteristics of the surrounding neighborhood.

It should also be noted that the Applicant has engaged with both the County and its citizens to ensure that the resulting townhome development is in line with the County's vision for this area and will continue to do so throughout the application process.

**E.**

**THERE ARE OTHER EXISTING AND CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH SUPPORT THE APPROVAL OF THE PROPOSED ZONING.**

The Applicant's proposal will result in a practical, useful, and marketable development creating an asset for the immediate area and the County as a whole. The proposed townhomes will blend in with the existing institutional and residential sites in the area. This type of proposal should be encouraged so as to minimize sprawl and encourage less use of automobiles.

**F.**

**THE PROPOSED ZONING WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES.**

The Applicant knows of no historic buildings, sites, districts, or archaeological resources either on the Subject Property or located in the immediate vicinity that would suffer adverse impacts from the zoning requested.

**G.**

**THE PROPOSED ZONING WILL NOT CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.**

The traffic to be generated by the proposed townhomes should not significantly affect traffic capacities along Cliff Valley Road and surrounding streets, even at peak hours, and can be accommodated. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) to calculate vehicle trips for low-rise townhomes (ITE Land Use Category 31). According to ITE, the townhomes should generate a total of 14 trips during the weekday a.m. peak hour and 16 trips during the weekday p.m. peak hour.

The proposed townhomes will be served by Briar Vista Elementary School, Druid Hills Middle School and Druid Hills High School. However, the number of school-aged children

should not be noticeably increased by the proposed townhomes, as the target market consists of single professionals and empty nesters. The proposed townhomes will not cause a significant burden on public utilities, which are adequately equipped to service the new townhomes.

#### H.

#### **THE PROPOSED ZONING WILL NOT ADVERSELY IMPACT THE ENVIRONMENT OR SURROUNDING NATURAL RESOURCES.**

The Applicant will comply with all federal, state, and County regulations relating to environmental protection to ensure that the proposed Phase III will not adversely affect the environment.

#### **III. PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Applicant respectfully submits that a refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I,

Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

A refusal to approve the proposed rezoning, or any attempt to rezone the Subject Property to an intervening classification, would be invalid inasmuch as the Zoning Ordinance of DeKalb County is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

DeKalb County's Zoning Ordinance lacks adequate standards for the Board of Commissioners to exercise its power to review this Application. Specifically, the "standards" set out in Section 27-7.3.5 are not sufficient to contain the discretion of the Board of Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the Board of Commissioners, which has the power to zone and rezone property, is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States

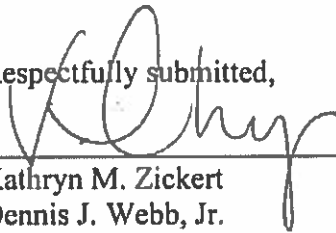
and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the United States and Georgia Constitutions.

#### IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the proposed rezoning be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 18<sup>th</sup> day of August, 2016.

Respectfully submitted,



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Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Vickie B. Chung  
Attorneys for Applicant

Smith, Gambrell & Russell, LLP  
Promenade, Suite 3100  
1230 Peachtree Street, NE  
Atlanta, Georgia 30309  
404-815-3500



# DeKalb County Department of Planning & Sustainability

Lee May  
Interim Chief Executive Officer

Andrew A. Baker, AICP  
Director

RECEIVED APPLICATION TO AMEND OFFICIAL ZONING MAP  
OF DEKALB COUNTY, GEORGIA  
JUL 07 REC'D

Date Received: \_\_\_\_\_ Application No: 2-16-20901

Applicant: Rockhaven Homes, LLC  
c/o Kathryn M. Zickert E-Mail: kmzickert@sgrlaw.com

Applicant's Mailing Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309

Applicant's Phone No: 404-85-3704 Fax: 404-685-7004

Owner(s): See Exhibit A E-Mail: \_\_\_\_\_  
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: \_\_\_\_\_

Owner(s) Phone No: \_\_\_\_\_ Fax: \_\_\_\_\_

Address/Location of Subject Property: See Exhibit A

District(s) 18 Land Lot(s) 157 Block(s) 03 Parcel(s) 056, 057, 058, 060

Acreage +/- 2.1 Commission District(s) 2/6

Current Zoning Category: R-85 Proposed Zoning Category: MIR-1

Current Land Use Category: Suburban Land Use Amendment Filed?  Yes  No

### PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted. 20 collated copies must be submitted.

#### Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following question must be answered: Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application?  Yes  No If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

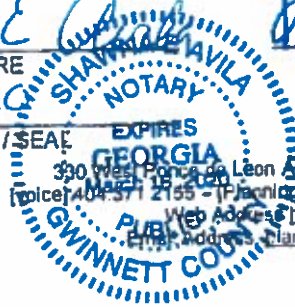
The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

Shawna E. Avila  
NOTARY SIGNATURE

Kathryn M. Zickert  
SIGNATURE OF APPLICANT / DATE

3-16-20  
EXPIRATION DATE / SEAL

Check One Owner  Agent



330 West Peachtree Lane Avenue - Suites 100-500 - Decatur, Georgia - 30030  
Phone: (404) 371-2155 - (Planning Fax) (404) 371-4556 [Development Fax] (404) 371-3007  
Web Address: <http://www.dekalbcountyga.gov/planning>  
E-mail address: [planninganddevelopment@dekalbcountyga.gov](mailto:planninganddevelopment@dekalbcountyga.gov)

Mailed 6-10-16

**COMMUNITY MEETING**

**Application to rezone property located at 2772 and 2760 Briarcliff Rd. and 2030 and 2018 Cliff Valley Way from R-85 to MR-1 for the purpose of developing a townhome community.**

**Date: Tuesday, June 28, 2016**

**Time: 7:00 p.m. to 8:00 pm**

**Place: Toco Hill-Avis G. Williams Library  
1282 McConnell Drive  
Decatur, GA 30033**

**What is a Community Rezoning Meeting?** Community rezoning meetings are designed to inform the surrounding communities of current rezoning and special use permit applications. It's an opportunity for the community to learn about the proposed project, ask questions, present concerns, and make suggestions.

# ROCKHAVEN HOMES, LLC

June 28, 2016 @ 7:00 p.m.  
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Nikki Torres & Tara Gilbert	2928 Briarcliff Rd Atlanta 30329	nikki1971@gmail.com tgilbert71@gmail.com
CHRISTOPHER TRASK	2309 WESTCHESTER RIDGE ATLANTA, GA. 30329	trasktfer@gmail.com
Ginna Williamson	1218 Westchester Ridge Atlanta GA 30329	ginna411@gmail.com 706.254.2343
ED SPITZBERG	1126 WESTCHESTER RIDGE	
MARSHA GROSS		mgmarthage@gmail.com
ROBERT SMITH		RHSSMITH@EARTHLINK.NET 404-630-2363
DREW BARTON	1824 TIMOTHY DR ATLANTA GA 30329	DREW@SOUTHERNWEB.COM
Brown + Gail Kitchens	1869 Fern Creek Lane, NE Atlanta, GA 30329	johnkitchens08@att.net deb-gail-wilcox@yahoo.com



# ROCKHAVEN HOMES, LLC

June 28, 2016 @ 7:00 p.m.  
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Frank & Ellen Stanley	P.O. Box 99313 Ath. Ga, 30359	Stan801@kellsouth.net 404-944-5624 or 404-944-9586