



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 500**

**Decatur, GA 30030**

**(404) 371-2155 / plandev@dekalbcountyga.gov**

Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: January 8, 2019, 6:30 P.M.**  
**Board of Commissioners Hearing Date: January 22, 2019, 6:30 P.M.**

**MAJOR MODIFICATION – CHANGE OF CONDITIONS**  
**STAFF ANALYSIS**

**Case No.:** CZ-19-1235306 **Agenda #:** N. 2

**Location/Address:** 62184 Cavanaugh Avenue **Commission District:** 3 **Super District:** 6

**Parcel ID:** 15-146-04-018

**Request:** A Major Modification of zoning conditions approved pursuant to CZ-04068, to allow the property to be subdivided into two single-family lots.

**Property Owner:** Langford and Company Strategic Investments, LLC

**Applicant/Agent:** Langford and Company Strategic Investments, LLC

**Acreage:** .73 acres

**Existing Land Use:** Vacant, wooded.

**Surrounding Properties:** The subject property is surrounded by single-family residential land uses. Several of the adjoining and nearby residential lots are vacant and wooded.

**Adjacent Zoning:** **North:** R-60 **South:** R-75 **East:** R-60 **West:** R-75 **Northeast:** R-60  
**Northwest:** R-75 **Southeast:** R-75 **Southwest:** R-75

**Comprehensive Plan:** Traditional Neighborhood  **Consistent**  **Inconsistent**

<b>Proposed Density:</b> 2.73 units/acre	<b>Existing Density:</b> N.A. – lot is vacant
<b>Proposed Units/Square Ft.:</b> 2	<b>Existing Units/Square Feet:</b> N. A. – lot is vacant
<b>Proposed Lot Coverage:</b> information not provided	<b>Existing Lot Coverage:</b> 0

**Zoning History:**

In 2004, the Board of Commissioners approved rezoning of the subject property as part of 23-lot subdivision, from R-75 (Residential – Medium Lot-75) to R-60 (Residential – Small Lot-60) with conditions pursuant to CZ-04068. The conditions were as follows:

1. All utilities shall be underground.

2. There shall be no vinyl or aluminum siding used within the development.
3. All houses located within the development shall have exteriors of brick, stone, stucco, or other masonry; hardi-board or Hardi-Plank siding (or some other cement siding); clapboards; shakes or shingles; or some combination of these materials.
4. There shall be no more than twenty-three (23) single-family detached houses built on the property.
5. Each house shall have a minimum of 1,600 square feet of heated floor space.
6. The developer shall establish a mandatory homeowners association that shall oversee the maintenance of all common areas, including, but not limited to, the approximately 1.4 acres of open space depicted on the Rezoning Plat that was prepared by Land Solutions Group, Inc., which is dated February 17, 2003. In addition, the developer shall record restrictive covenants that prohibit the development of the open space depicted on said Rezoning Plat. Further, the developer shall deed the open space depicted on said Rezoning plat to the mandatory homeowners association.
7. All front lawns shall be sodded.
8. The developer shall install a six (6) foot tall wooden privacy fence along the southern property line for Lot 5, as depicted on the Rezoning Plat for Willow Park Subdivision that was submitted with the rezoning application, which was prepared by Land Solutions Group, Inc. and is dated February 17, 2003.
9. The Department of Public Works shall approve all access points to the subdivision.
10. The proposed extension of Willow Place shall be renamed Willow Place; otherwise on street appears to have two names.
11. The developer shall install sidewalks along both sides of the internal streets of the subdivision.

#### **SITE ANALYSIS**

The subject property fronts on Cavanaugh Avenue, a two-way, two-lane local street. It is vacant and wooded. A stream runs in a southwest-northeast direction across adjoining properties that lie to the northwest; the stream buffer extends across the northern property line of the subject property to a depth of approximately 30 feet. The topography of the subject property reflects that of the stream bed; it is lower across the northwest corner of the property and slopes upwards towards its southeast corner.

In 2004, zoning was approved to subdivide the subject property into three lots as part of a 24-lot subdivision. Between 2004 and 2017, most of the tract of land that comprised the proposed subdivision was built out into a 20-lot subdivision called "Willow Walk". In the course of construction, the length of the proposed cul-de-sac street was shortened and the lot layout was reconfigured. A parcel (15-146-04-057) was created at the northern portion of the project site; it appears that it includes land from the rear of several of the residential parcels shown on the 2004 site plan. The western side of this parcel fronts on Cavanaugh Avenue, but is in the stream buffer; the entire parcel is thus effectively unbuildable because street access to the interior of the parcel is unfeasible. A storm water detention facility to serve Willow Walk was constructed in the rear portions of two parcels that adjoin the east property line of the subject property. The detention facility encroaches into the eastern 30 feet of the subject property.

Several of the 2004 zoning conditions are no longer applicable to development of the subject property. For example, they apply only to the Willow Walk subdivision or were satisfied during construction of Willow Walk. The applicant requests that they be deleted or modified to allow the subject property to be divided into two single-family residential lots. The northernmost new lot would be 15,941 square feet in size and the southernmost lot would be 15,933 square feet.

The surrounding neighborhood is single-family residential and is zoned R-75. Sizes of adjoining R-75 properties to the south of the subject property, and of the R-75 properties immediately to the west across Cavanaugh Avenue, range from .25 acre (10,890 square feet) to .49 acre (21,344 square feet); the average size is .37 acre (16,490 square feet). Thus, the proposed new lots would be similar in size to the nearest and adjoining R-75 lots, and would be more than double the minimum R-60 lot size of 6,000 square feet.

#### **LAND USE AND ZONING ANALYSIS**

**Section 27-832 of the Zoning Ordinance, "Standards and factors governing review of proposed amendments to the official zoning map" states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

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

The proposal to create two conforming single-family residential lots in a single-family residential neighborhood is consistent with the Traditional Neighborhood Character Area policy of the 2035 Comprehensive Plan to "Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density." (Traditional Neighborhood Character Area Policy No. 1)

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

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed lot sizes are similar to those of adjoining and nearby R-75 lots and would be more than double the minimum R-60 lot size of 6,000 square feet.

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

Because the zoning conditions approved in 2004 are part of the zoning of the subject property, they limit development on the property to a degree that they remove its reasonable economic use.

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

Rather than adversely affecting the use or usability of adjacent or nearby property, the zoning proposal has the potential to benefit adjacent and nearby property by allowing the development of occupiable homes on Cavanaugh Avenue, thus contributing to the safety and vitality of the neighborhood.

**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 zoning proposal is for two lots, instead of the three that were proposed in 2004. The relatively large lot sizes (compared to the minimum size required in an R-60 district) provide an opportunity to preserve trees and green space.

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

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

**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 that the zoning proposal would burden existing streets, transportation facilities, utilities, or schools.

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

Construction of homes on the new lots would result in tree removal and additional impervious surface; however, these impacts could be minimized by careful siting of the homes and grading of the sites to reduce storm water runoff.

**LAND USE AND ZONING ANALYSIS**

R-60 STANDARD		REQUIRED/ALLOWED	PROPOSED	COMPLIANCE
MIN. LOT AREA		6,000 sq. ft.	15,941 square feet, 15,933 square feet.	Yes
MIN. LOT WIDTH		60 feet	117.5 feet, 141.87 feet	Yes
MIN. YARD SETBACKS	FRONT	20 feet	20 feet	Yes
	CORNER LOT - SIDE	20 feet	20 feet	Yes
	INTERIOR LOT - SIDE	7.5 feet	7.5 feet	Yes
	REAR	30 feet	30 – 40 feet	Yes
MAX. HEIGHT		35 ft.	Information not provided.	Homes must comply for bldg. permit approval.
MIN. FLOOR AREA OF DWELLING		1,200 sq. ft.	Information not provided.	Homes must comply for bldg. permit approval.
MAX. LOT COVERAGE		35%	Information not provided.	Homes must comply for bldg. permit approval.
MIN. OPEN SPACE (>5 AC OR >36 DUS)		Not applicable; proposal does not meet thresholds.	Not applicable.	Not applicable.
PARKING		Four spaces	Information not provided.	Compliance must be shown for land disturbance permit approval.

## **QUALITY OF LIFE METRICS:**

OPEN SPACE –Not applicable; no common/public open space required/proposed.

LINEAR FT. OF NEW SIDEWALK AND/OR TRAILS – 225 linear feet of sidewalks are required along the Cavanaugh Lane frontage.

## **STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

The proposal to create two conforming single-family residential lots in a single-family residential neighborhood is consistent with the Traditional Neighborhood Character Area policy of the 2035 Comprehensive Plan to “Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density.” (Traditional Neighborhood Character Area Policy No. 1) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed lot sizes are similar to those of adjoining and nearby R-75 lots and would be more than double the minimum R-60 lot size of 6,000 square feet. The proposal has the potential to benefit adjacent and nearby property by allowing the development of occupiable homes on Cavanaugh Avenue, thus contributing to the safety and vitality of the neighborhood. Finally, the relatively large lot sizes (compared to the minimum size required in an R-60 district) provide an opportunity to preserve trees and green space. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions (modifications shown by underlining):

1. All utilities shall be underground.
2. There shall be no vinyl or aluminum siding used within the development.
3. All houses located within the development shall have exteriors of brick, stone, stucco, or other masonry; hardi-board or Hardi-Plank siding (or some other cement siding); clapboards; shakes or shingles; or some combination of these materials.
4. There shall be no more than twenty-three (23) single-family detached houses built on the property.
5. Each house shall have a minimum of 1,600 square feet of heated floor space.
6. The developer shall establish a mandatory homeowners association that shall oversee the maintenance of all common areas, including, but not limited to, the approximately 1.4 acres of open space depicted on the Rezoning Plat that was prepared by Land Solutions Group, Inc., which is dated February 17, 2003 and initialed by the lot division plat titled, “Proposed Conditions for Gilroy Firm” by DeKalb Surveys, Inc., dated June 19, 2018 and stamped as received by the Department of Planning & Sustainability. In addition, the developer shall record restrictive covenants that prohibit the development of the open space depicted on said Rezoning Plat. Further, the developer shall deed the open space depicted on said Rezoning Plat to the mandatory homeowners association.
7. All front lawns shall be sodded.
8. The developer shall install a six (6) foot tall wooden privacy fence along the southern property line for Lot 5, as depicted on the Rezoning Plat for Willow Park Subdivision that was submitted with the rezoning application, which was prepared by Land Solutions Group, Inc. and is dated February 17, 2003.
9. The Department of Public Works shall approve all access points to the subdivision.
10. The proposed extension of Willow Place shall be renamed Willow Place; otherwise on street appears to have two names.
11. The developer shall install sidewalks along both sides of the internal streets of the subdivision.

12. 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.

13. A Covenant agreement between the owners of the subject property and the responsible entity of the adjacent Willow Walk subdivision shall be established, prior to sketch plat approval, for maintenance of the storm water detention facility. Said covenant shall be filed with the County along with the sketch plat application.

**Attachments:**

1. Zoning Conditions of CZ-04068
2. Department and Division Comments
3. Board of Health Comments
4. Board of Education Comments
5. Application
6. Site Plan
7. Maps and Photographs

## NEXT STEPS

Following an approval of this zoning action, one or several of the following 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 or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)
- **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.)
- **Overlay Review** (Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)
- **Historic Preservation** (A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)
- ✔ • **Variance** (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.)
- **Minor Modification** (Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)
- **Major Modification** (Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for 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 requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**

HearingType:  
Public Hearing

DEKALB COUNTY  
BOARD OF COMMISSIONERS  
BUSINESS AGENDA / MINUTES  
MEETING DATE December 14, 2004

DecisionType:  
Ordinance

SUBJECT: Rezone - Carter Smith

Commission Districts: 3 and 6

DEPARTMENT: PLANNING

Public Hearing: No

Attachment: Yes  
Pages: 14

INFORMATION: Shari Strickland/John Bell  
CONTACT:

Deferred from 7/28 and 11/22 for decision only.

**PURPOSE:**

Application of Carter Smith to rezone property located at the terminus of Willow Place, 581 feet west of Bouldercrest Road, and at the southeast intersection of Black Oak Drive and Cavanaugh Avenue, from R-75 to R-60 (conditional). The property has frontage of 50 feet on Willow Place, 335 feet on Cavanaugh Avenue, 90 feet on Black Oak Drive, 195 feet on Lockland Road and 211 feet on Bradley Avenue and contains 7.5 acres. The application is conditioned on a subdivision based on a conceptual plan.

CZ-04068

**SUBJECT PROPERTY**

Parcel-ID #: 15-146

Property Address:

**RECOMMENDATION(S):**

**PLANNING DEPARTMENT:**

Approval with conditions. The site under appeal is in an area which is undergoing revitalization. The area is a mixed one of some deteriorated structures with new construction and reconstruction. There are older residences along Willow Place but new houses along Bouldercrest in the area. A previous application to the R-50 designation was denied in 1999. However, the R-60 district is more appropriate in that it is an infill type of zoning which is being utilized in redeveloping and revitalizing areas. It is a single family detached district whose lot size or 8000 square feet is closer to the R-75 minimum. The proposed density of 3.02 units per acre is well within the net density of R-75 (3.5). The proposal also will fit well within the new construction which is taking place in the area if certain standards are adhered to. Staff recommendation is for approval with the conditions as proposed by the applicant and date November 30, 2004.

PLANNING COMMISSION

STATE OF GEORGIA  
DEKALB COUNTY

I DO HEREBY CERTIFY that the foregoing is a true and correct excerpt from the Minutes of the Board of Commissioners of DeKalb County/Georgia ADOPTED

This 20 day of July 2004  
*[Signature]*  
Clerk, Board of Commissioners



**FOR USE BY COMMISSION OFFICE/CLERK ONLY**

**ACTION: H11**

MOTION was made by Commissioner Larry Johnson, seconded by Commissioner Yates and passed 6-0-0-1, to approve subject to conditions submitted by the planning department, the rezoning application of Carter Smith. Commissioner Boyer was absent and not voting.

ADOPTED: DEC 14 2004  
(DATE)

Burrell Ellis  
PRESIDING OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS

CERTIFIED: DEC 14 2004  
(DATE)

[Signature]  
CLERK,  
DEKALB COUNTY BOARD OF COMMISSIONERS

**FOR USE BY CHIEF EXECUTIVE OFFICER ONLY**

APPROVED: DEC 21 2004

Vernon Jones  
CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETOED: \_\_\_\_\_

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER  
DEKALB COUNTY

VETO STATEMENT ATTACHED: \_\_\_\_\_

MINUTES:

No one spoke for or against the application; decision only.

Planning Department submitted a letter from Dillard & Gallaway with attached conditions for the record to be kept on file in the Clerk's office.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER				X
DISTRICT 2 - GALE WALLDORFF	X			
DISTRICT 3 - LARRY JOHNSON	X			
DISTRICT 4 - BURRELL ELLIS	X			
DISTRICT 5 - HANK JOHNSON	X			
DISTRICT 6 - JUDY YATES	X			
DISTRICT 7 - CONNIE STOKES	X			

# DILLARD & GALLOWAY, LLC

ATTORNEYS AT LAW

GEORGE E. HARVEY III

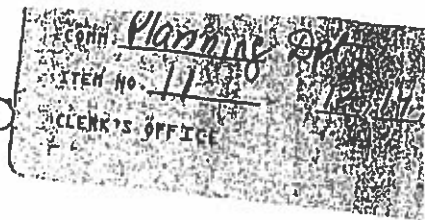
DIRECT DIAL NUMBER  
(404) 965-3668

[GHARVEY@DANDGLAW.COM](mailto:GHARVEY@DANDGLAW.COM)

DECEMBER 2, 2004

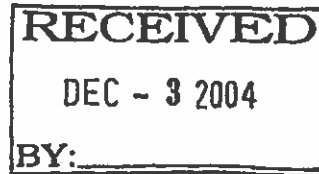
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SUITE 780  
ATLANTA, GEORGIA  
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TELEPHONE  
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(404) 965-3870



Via Courier

Mr. John A. Bell  
Deputy Director for Current Planning  
DeKalb County Planning Department  
1300 Commerce Drive  
Suite 400  
Decatur, Georgia 30030-3221



Re: CZ-04068  
Homebuilders Specialists, LLC  
Property located at the terminus of Willow Place in DeKalb County, Georgia

Dear John:

In connection with the above-referenced rezoning application, enclosed please find a copy of the final draft of the zoning conditions that my client is proposing for the project. As we discussed last week, I have incorporated the conditions proposed by the Planning Department into the enclosed list of conditions, with the exception of conditions 4 and 6. I did not include conditions 4 or 6 (as proposed by the staff) in the enclosed list of conditions because of my client's discussions with the neighborhood regarding the conceptual plan for the subdivision and the preservation of the specimen trees currently located on the property. Specifically, my client has advised the neighbors that it will attempt to preserve as many of the specimen trees as possible and that it will consider any options that they may present to it between now and the date the plat is reviewed by the Planning Commission during the sketch plat process. Therefore, I have not included the referenced conditions in the enclosed list of zoning conditions.

In addition, I have enclosed a copy of the Rezoning Plat with this letter, which depicts the open space referenced in condition 6 (of the enclosed list of conditions). I hope that the enclosed documents are helpful and that you receive them in time to prepare for the upcoming Board of Commissioners' meeting. As always, please feel free to call me if you have any questions.

Sincerely,

DILLARD & GALLOWAY, LLC

A handwritten signature in black ink, appearing to read "George E. Harvey III". The signature is written over the typed name below it.

George E. Harvey III

GEH/dsh

Enclosures

cc: Mr. Gus Pounds (Via U.S. Mail w/enclosures)

106455v1

Approval per staff with conditions

**COMMUNITY COUNCIL:**

Deferral(7-0-2): No quorum; no official meeting on 7-28-04. 10-25-04 Community Council 3 voted for a recommendation of deferral. The applicant need to have further discussion with the surrounding community.

**Zoning Conditions**

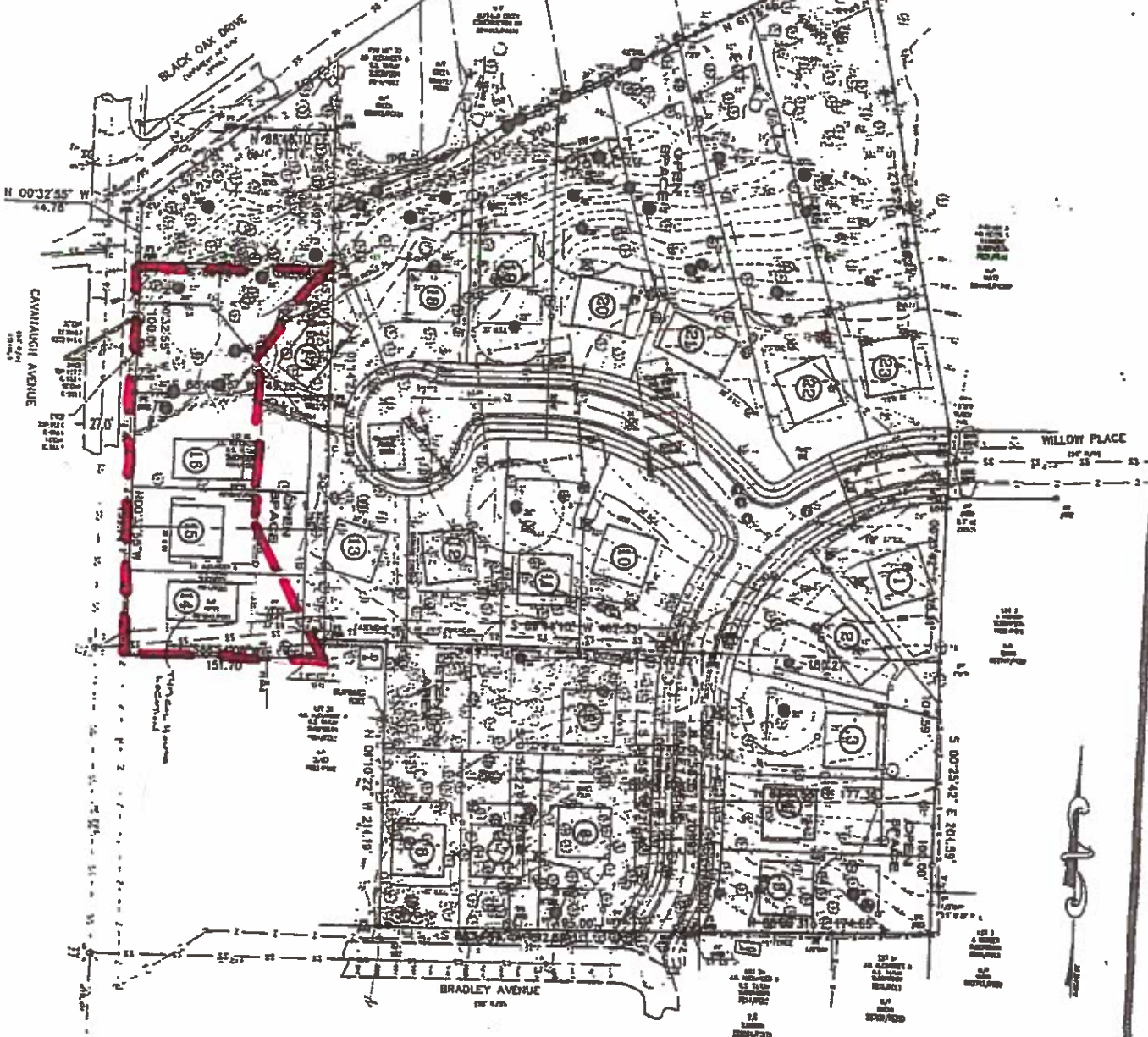
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November 30, 2004

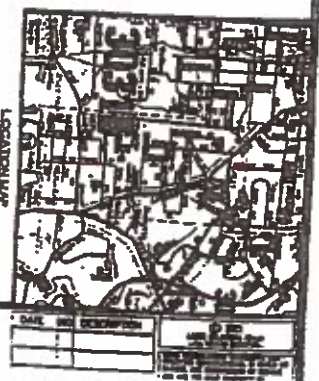
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Willow Park



26



**PROJECT INFORMATION**  
 1. THIS SUBDIVISION IS LOCATED IN THE CITY OF CHICAGO, ILLINOIS, IN THE NORTHWEST CORNER OF THE SECTION 16, TOWNSHIP 36 NORTH, RANGE 12 WEST, COUNTY OF COOK, ILLINOIS.  
 2. THE TOTAL AREA OF THIS SUBDIVISION IS 1.25 ACRES.  
 3. THE SUBDIVISION IS BOUND BY BLACK OAK DRIVE TO THE NORTH, WILLOW PLACE TO THE EAST, BRADLEY AVENUE TO THE SOUTH, AND CAVANAUGH AVENUE TO THE WEST.  
 4. THE LOTS ARE NUMBERED 1 THROUGH 35.  
 5. THE SUBDIVISION IS BEING OFFERED FOR SALE IN CONJUNCTION WITH THE REZONING OF THE AREA.  
 6. THE REZONING IS FROM RESIDENTIAL TO COMMERCIAL.  
 7. THE SUBDIVISION IS BEING OFFERED FOR SALE IN CONJUNCTION WITH THE REZONING OF THE AREA.  
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 12. THE SUBDIVISION IS BEING OFFERED FOR SALE IN CONJUNCTION WITH THE REZONING OF THE AREA.

**REZONING PLAT**

DATE: 11-10-1964

BY: [Signature]

**WILLOW PARK SUBDIVISION**





**DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM**

NL

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE ALEXANDER [MMALEXANDER@DEKALBCOUNTYGA.GOV](mailto:MMALEXANDER@DEKALBCOUNTYGA.GOV) OR JOHN REID [JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

**COMMENTS FORM:  
PUBLIC WORKS TRAFFIC ENGINEERING**

Case No.: CZ-19-1235306 Parcel I.D. #: 15-146-04-018

Address: 2184  
CAVANAUGH AVE  
ATLANTA, GA 30316

Adjacent Roadway (s):

(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:

<p>Plans &amp; Field reviewed. Found nothing that would disrupt traffic flow.</p>

Signature: David M. Ross



12/21/2018

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

404.508.7900 • www.dekalbhealth.net

12/21/2018

N.1

Z-19-1235286 2018-3060 18-230-06-060

2405 HENDERSON MILL RD, ATLANTA, GA 30345

Amendment

- Please review general comments.



N.2

CZ-19-1235306 2018-3061 15-146-04-018

2184 CAVANAUGH AVE, ATLANTA, GA 30316

Amendment

- Please review general comments.

N.3

SLUP-19-1235300 2018-3062 15-141-02-063

2088 BRANNEN RD, ATLANTA, GA 30316

Amendment

- Please review general comments.

N.4

Z-19-1235308 2018-3063 16-154-04-008

2478 ROCK CHAPEL RD, LITHONIA, GA 30058

Amendment

- Please review general comments.



DEPARTMENT OF PLANNING & SUSTAINABILITY

RECEIVED

OCT 31 2018

BY:.....

MAJOR MODIFICATION APPLICATION

Date Submitted: October 31, 2018 Case No.: 1235306

Existing Conditional Zoning No.: CZ-04068

APPLICANT NAME: Langford and Company Strategic Investments, LLC

Daytime Phone#: (678)2707874 Fax #: \_\_\_\_\_ E-mail: moses-langford@att.net

Mailing Address: 219 Shoemaker Court, Ellenwood, Ga. 30294

OWNER NAME: Langford and Company Strategic Investments, LLC  
(If more than one owner, attach contact information for each owner)

Daytime Phone#: (678)2707874 Fax #: \_\_\_\_\_ E-mail: moses-langford@att.net

Mailing Address: 219 Shoemaker Court, Ellenwood, Ga. 30294

SUBJECT PROPERTY ADDRESS OR LOCATION: 2184 Cavanaugh Avenue

Atlanta, DeKalb County, GA, 30316

District(s): 3+6<sup>15</sup> Land Lot(s): 15<sup>146</sup> Block(s): 04 Parcel(s): 15-146-04-018

Acreage or Square Feet: 0.73 Commission District(s): 3+6 Existing Zoning: CZ04068

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Signature of Applicant: Moses Langford

Printed Name of Applicant: Moses Langford

Notice Date: Monday, October 1, 2018

**PUBLIC NOTICE**  
**TO**  
**REQUEST FOR MAJOR MODIFICATION**  
**TO ZONING CONDITIONS**

Filed by: Langford and Company Strategic Investments, LLC.

Located at: 2184 Cavanaugh Avenue

Atlanta, Georgia 30316

**Current Use – Open Space**

**Proposed Use – Two Single-Family homes**

**PRE-SUBMITTAL COMMUNITY MEETING TO TAKE  
PLACE AT: First Mount Pleasant Baptist Church**

**Location: 816 Maynard Ter SE Atlanta, Ga. 30316**

**Date & Time: October 15, 2018 at 7:00 PM**



# Letter of Application

This letter of application is for the property located at 2184 Cavanaugh Avenue, Atlanta, Georgia 30316. The proposed zoning classification is R60. The reason for this modification request is the property was previously part of Willow Park/Willow Place subdivision. The Willow Park/Willow Place subdivision was previously zoned as CZ-04068. According to the Rezoning plat prepared by Land Solutions Group, Inc., which was dated February 17, 2003, three (3) single-family homes were to be built on 2184 Cavanaugh Avenue. However, this was not the case. The previous developer moved these three single family homes to Lochland Court in an area previously designated as "open space" without the approval of the Dekalb County Board of Commissioners or Dekalb County Planning and Sustainability. Additionally, the developer moved a detention pond from a previously approved location in the Willow Park/Willow Place subdivision to 2184 Cavanaugh Avenue. Also, the developer of Willow Park/Willow Place subdivision designated 2184 Cavanaugh Avenue as "open space". Neither a major or minor modification of zoning was not filed in this case with Dekalb County Planning and Sustainability. Lastly, homes in the Willow Park/Willow Place subdivision and Lochland Court are being annexed by the City of Atlanta. Each property will be rezoned from R60 (CZ-04068) to R4A.

Therefore, the reason for this major modification for zoning is to remove the "open space" designation, move the detention pond from the property and separate this property from Willow Park/Willow Place subdivision. There are no existing structures on the property. The proposed use of the property is to subdivide 2184 Cavanaugh Avenue (0.73 acres) into two separate properties. Two (2) single-family homes will be built on the properties.

# Impact Analysis

Section 27-7.3.4. The following standards and factors are found to be relevant to the exercise of the county's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

- A. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.

***The zoning proposal is in conformity with the policy and intent of the Comprehensive Plan.***

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

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

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

***The property to be affected by the zoning proposal has a reasonable economic use.***

- D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.

***The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.***

- 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.

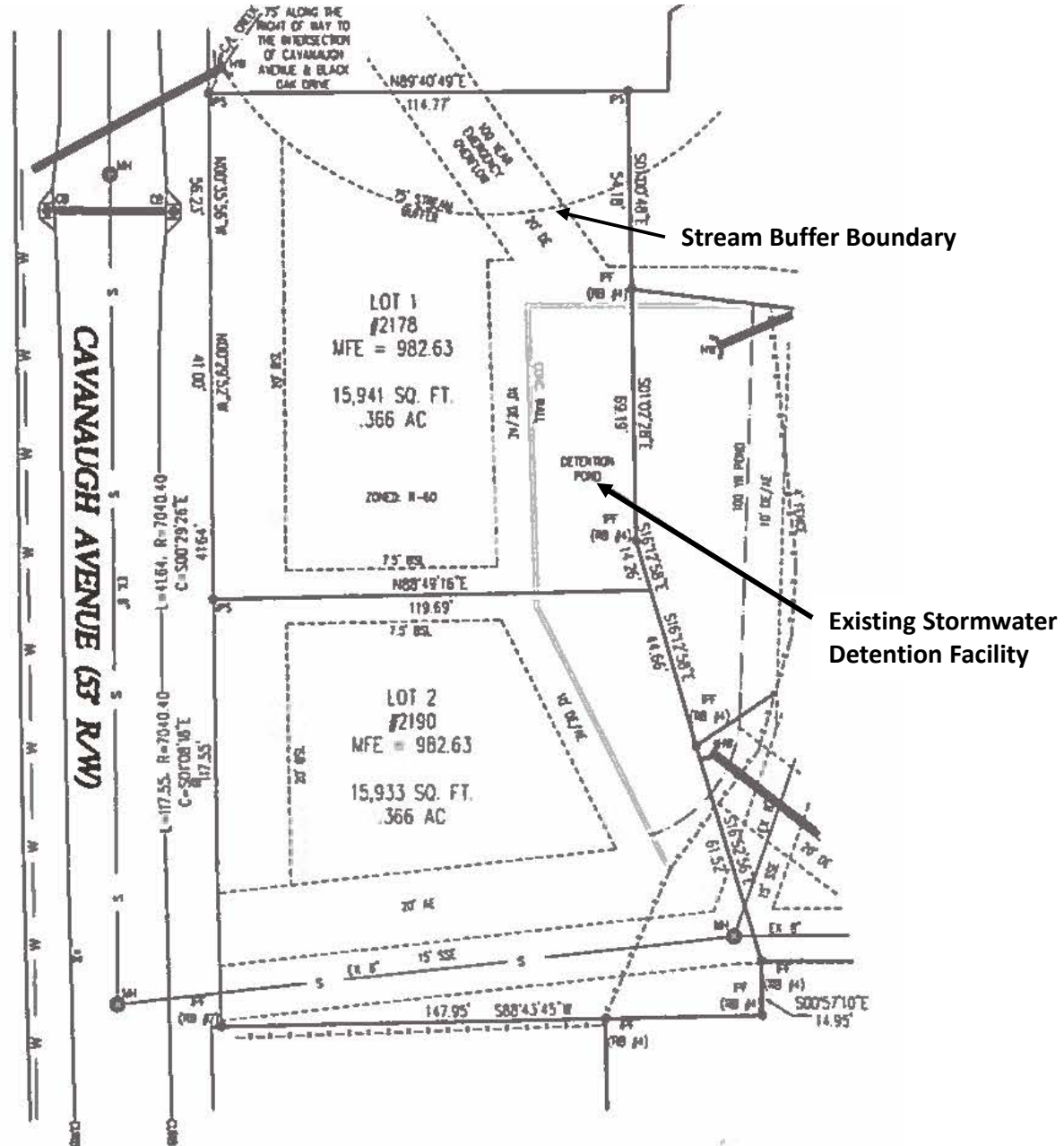
***There are no other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.***

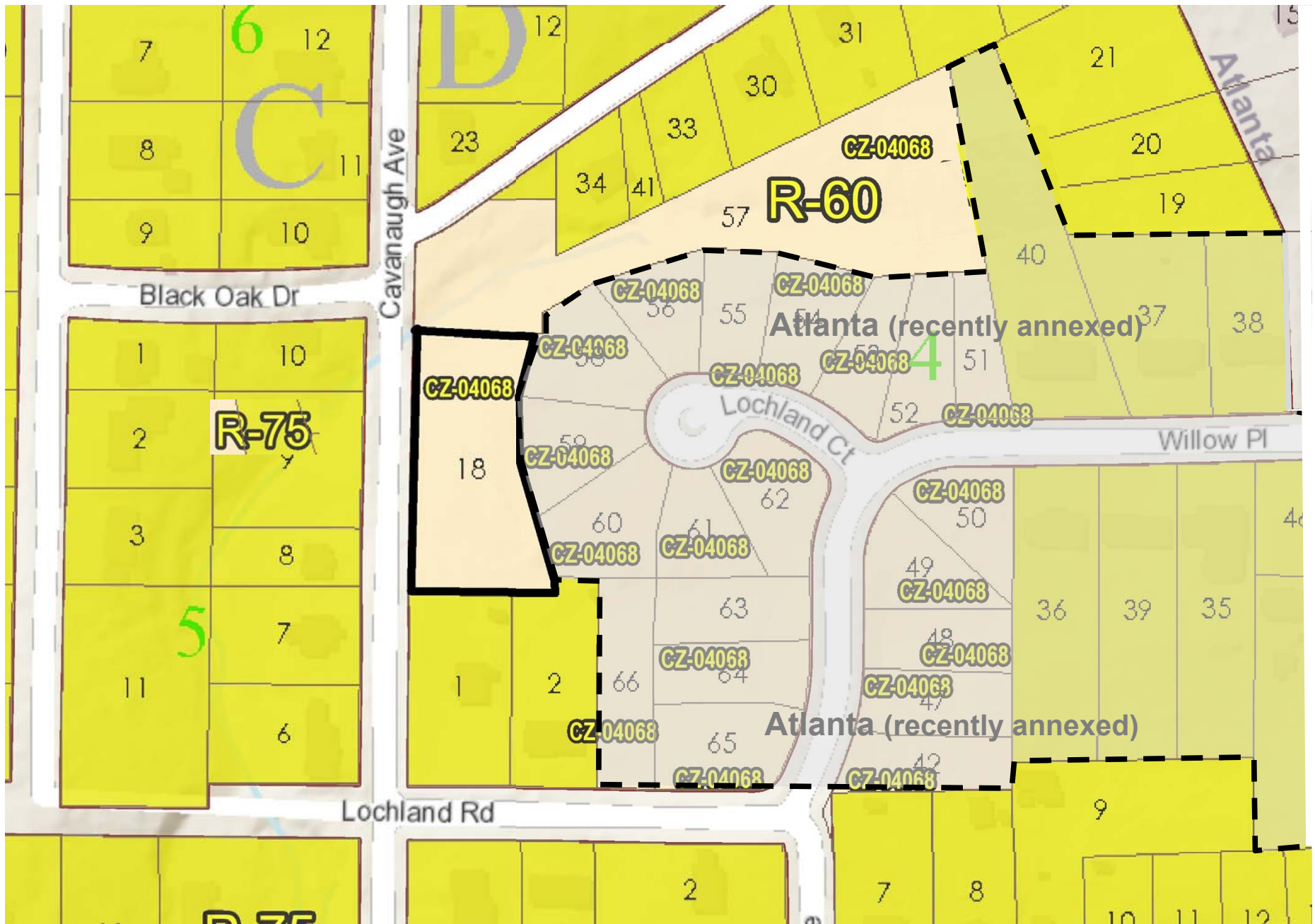
- F. Whether the zoning proposal will adversely affect historic building, sites, districts, or archaeological resources.

***The zoning proposal will not adversely affect historic building, sites, districts, or archaeological resources.***

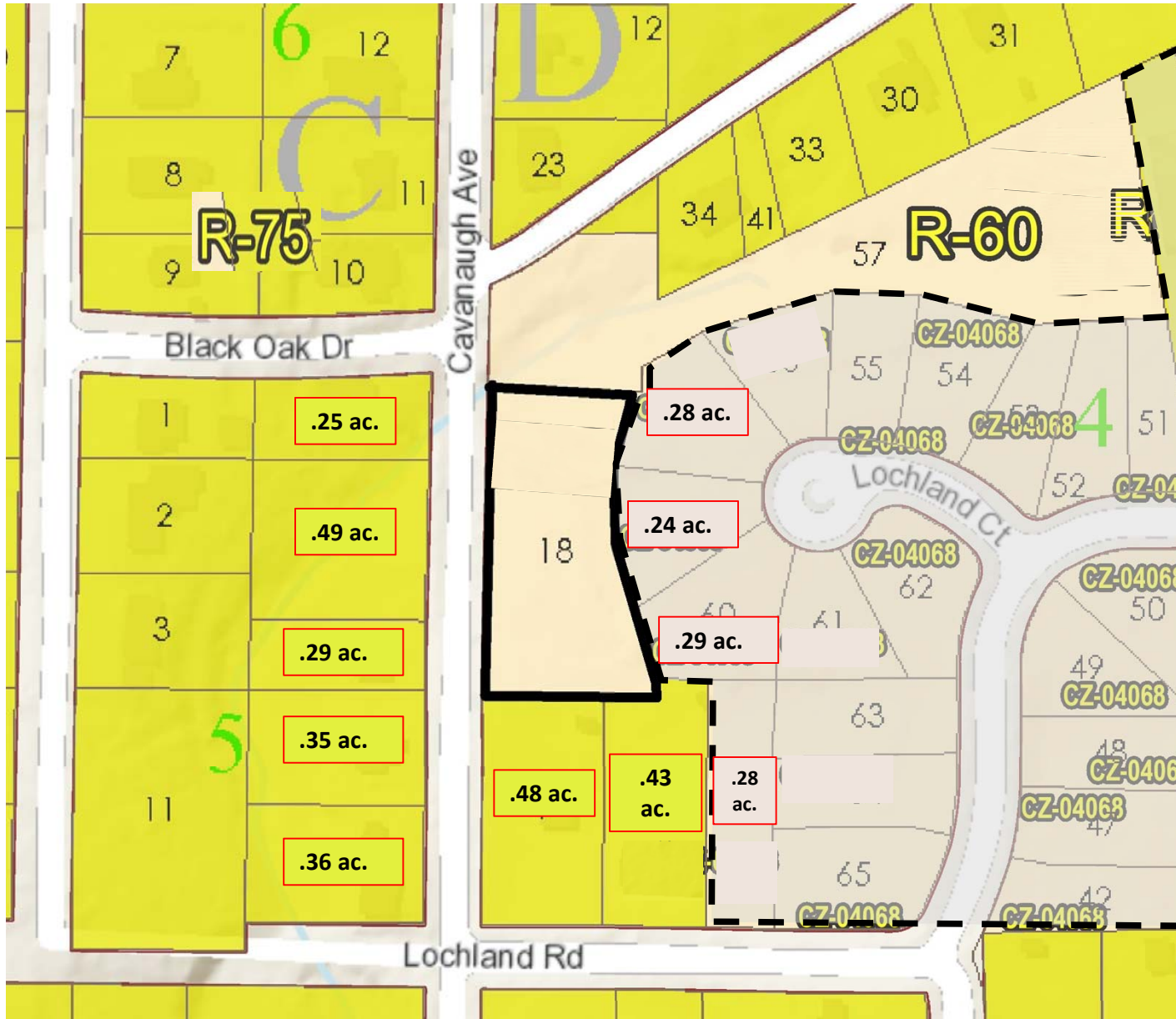
- G. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

***The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.***









Map

