

Agenda Item

File ID: 2024-1496

Substitute 6/24/2025

Public Hearing: YES ☒ NO ☐

Department: Planning and Sustainability

SUBJECT:

Commission District(s): Commission District 03 Super District 06

Application of Architectural Standard, LLC c/o Battle Law, P.C. for a major modification of zoning conditions pursuant to CZ-17-21564 for a mixed-use development in the MU-4 (Mixed-Use High Density) zoning district and Tier 2 of the I-20 Overlay District, at 4015 Flat Shoals Parkway.

Petition No.: 2024-1496 CZ-25-1246771

Proposed Use: Modify zoning conditions to allow a mixed-use development.

Location: 4015 Flat Shoals Parkway, Decatur, Georgia 30034

Parcel No.: 15 090 01 021

Information Contact: John Reid, Sr. Planner

Phone Number: 404-371-2155

PURPOSE:

Application of Architectural Standard, LLC c/o Battle Law, P.C. for a major modification of zoning conditions pursuant to CZ-17-21564 for a mixed-use development in the MU-4 (Mixed-Use High Density) zoning district and Tier 2 of the I-20 Overlay District.

RECOMMENDATION:

COMMUNITY COUNCIL: (April 2025) Approval. Dec. 2024) Full cycle deferral.

PLANNING COMMISSION: (May 6, 2025) 30-Day Deferral. (Jan. 2025) Two-Cycle Deferral.

STAFF RECOMMENDATION: Approval with Conditions

PLANNING STAFF ANALYSIS: The subject property is currently located in the MU-4 (Mixed-Use High Density) Zoning District, Tier 2 of the Interstate 20 Corridor Compatible Use (I-20) Overlay District, and the Soapstone Historic District. The property is one of several that was subject to numerous studies and public hearings, beginning with a Development of Regional Impact (DRI) study that was undertaken by the Atlanta Regional Commission (ARC) in 2008. The full Zoning, Land Use, and Site history of the subject properties is as follows: **DRI #1850 (2008)** A mixed-use development consisting of retail, office, and residential uses was proposed for 79 acres of land at the intersection of Clifton Springs Road and Flat Shoals Parkway. The DRI was triggered by the number of proposed residential units (approximately 600) and the gross square footage. The DRI was approved in 2008 with conditions for development included in the notice of decision. **LP-08-15001 (2009)** A Land Use Plan Amendment was approved by the Board of Commissioners on February 10, 2009 to amend the Comprehensive Land Use Plan for the property (and others) from Suburban (SUB) to Neighborhood Center (NC). **CZ-12-18064 and SLUP-12-18066 (2012)** On November 13, 2012, the Board of Commissioners rezoned 79 acres from the R-100 (Residential Medium Lot-100) Zoning District to the C-1 (Local Commercial) and OCR (Office-Commercial-Residential) Zoning District, in accordance with the conditions of DRI #1850. The portions that were zoned OCR were intended to allow for retail, office, and commercial uses. The property zoned C-1 (designated as 3991 Flat Shoals Parkway) was intended for retail and “service” commercial uses. A Special Land Use Permit (SLUP) was granted to allow up to two (2) drive-through restaurants on this property. **SLUP-14-19363 and SLUP-14-19365 (2014)** On October 28, 2014, the Board of Commissioners approved a SLUP to allow for a convenience store with fuel sales and a SLUP to allow

alcohol sales at 3991 Flat Shoals Parkway. **DRI #1850 Revised Notice of Decision (2015)** Revisions were made to include temporary site access until additional improvements and site access were installed, and to reduce the required distances for internal turning movements on certain site driveways. **AP #20002 (2015)** The property designated as 3991 Flat Shoals Parkway was divided to form the current properties designated as 3975 Flat Shoals Parkway and 4007 Flat Shoals Road (Tax Parcel ID 15-090-01-020 and 15-090-01-004, respectively). **AP #19736 – QuikTrip (2015)** A Land Development Permit (LDP) was issued for the convenience store/fuel pumps at 3975 Flat Shoals Parkway on September 25, 2015, subsequent to the aforementioned lot division. **TA-13-18557 / Adoption of 2015 DeKalb County Zoning Code and Zoning Map (2015)** On July 14, 2015, the Board of Commissioners adopted the 2015 Zoning Code and Zoning Map for DeKalb County, which eliminated the OCR Zoning District and classified them as part of the newly established MU-4 (Mixed-Use High Density) Zoning District. **CZ-17-21564 (2017)** On September 26, 2017, the Board of Commissioners approved a major modification of conditions pursuant to SLUP-12-18066, allowing for no more than one drive-through restaurant on the property originally designated as 3991 Flat Shoals Parkway. **AP #1245673 (2022)** An application for a boundary line adjustment/division was approved on June 24, 2022, creating the properties designated as 4035 Flat Shoals Parkway and 4015 Flat Shoals Parkway (Tax Parcel ID 15-090-01-013 and 15-090-01-021, respectively). **AP #1245246 – Fullerton at Flat Shoals (2022)** An LDP was issued on August 26, 2022 for the grading work associated with approximately 248 multi-family units at 4035 Flat Shoals Parkway. **AP #1246213 (2023)** A lot split was approved in February 2023, creating the property designated as 4029 Flat Shoals Parkway (Tax Parcel ID 15-090-01-022). **AP# 1245449 – Aurora Senior Housing (2023)** An LDP was issued on March 24, 2023 (revised in 2024) to conduct work for a portion of the site originally associated with Fullerton at Flat Shoals to be intended as senior housing. **AP #1246836 – Grady Flat Shoals Outpatient Center (2024)** An LDP was issued on October 17, 2024 for site work related to a medical office building at 4007 Flat Shoals Parkway. The applicant, Architectural Standard LLC c/o Battle Law P.C., is seeking a major modification of conditions of CZ-17-21564 approved by the Board of Commissioners in 2017 (which itself was a modification of CZ-12-18064 approved by the Board of Commissioners in 2012), to construct a mixed-use development. The site plan associated with this request, dated November 1, 2024, largely deviates from the conceptual plan associated with both cases (prepared by Hughes, Good, O’Leary, and Ryan, Inc and dated July 24, 2008) in terms of building form, layout of internal streets, and the concentration and type of land uses. The original plan associated with the 2012 rezoning contained a larger number of multi-story residential structures that were focused around areas of enhanced open space; however, much of the commercial aspect of the development appeared to be laid out in a manner that was/is commonplace in traditional suburban shopping centers, including the separation of commercial uses from residential uses and the provision of outparcel development that could allow for drive-through facilities. The current site plan shows a notable reduction in the amount of commercial space provided, proposing 36,200 square feet of space allocated for medical office, restaurant, and retail uses, which includes existing medical office space that is currently under construction as a result of LDP# 1246836. This figure is compared to the 143,000 square feet proposed in 2008. Per the applicant, this reduction is due to shifts in market demand for such uses. The modification request proposes up to 357 new dwelling units, consisting of 260 multifamily dwellings, 66 single-family attached (townhome) dwellings, and 31 single-family detached cottage dwellings. This would be in addition to the 406 dwelling units that have since been constructed as a result of LDP #1245673 and LDP #1245246. In total, 763 units would be provided. With a proposed density of approximately 9.59 residential units per acre, the proposal is to be developed at a density that is less than the maximum supported density within the Neighborhood Center (NC) Character Area (40 units per acre) and Tier 2 of the I-20 Overlay (60 units per acre). The intent of the NC Character Area is “to promote a concentration of clustered residential and commercial uses that serve the goods and service needs of a few surrounding, local neighborhoods. These areas and their allowed uses complement the smaller scale character of nearby neighborhoods while reducing automobile travel and promote walkability and increased transit usage with a concentration of activities including retail, neighborhood commercial, professional office, moderate density housing, and public open space that are all easily accessible by pedestrians” (*DeKalb County 2050 Unified Plan pg. 35*). While the proposed density is far less than what the NC Character Area would typically support, it should be noted that “Neighborhood Centers are often the smallest Activity Centers in terms of size and scale” (*DeKalb County 2050 Unified Plan pg. 35*), and that the proposed number of residential dwellings does not significantly deviate from the original proposal in 2008. The reduction in large-scale retail development has been replaced by a potentially more diverse housing stock, fulfilling the intent of the Character Area to provide a transition in the intensity of uses and from higher to lower building heights. Due to existing construction that was largely associated with the 2012 site plan/layout of CZ-12-18064 favoring separation and outparceling of commercial development, much of the higher density is proposed toward the center of the development site, which may not meet the intent of the Character Area. New commercial development and some dwelling units are oriented closer to Clifton Springs Road, which provide some semblance of pedestrian- and street-oriented development. Any future development that would manifest along Clifton Springs Road and Flat Shoals Parkway would be required to meet the streetscaping requirements specific to the I-20 Overlay District, which call for a 20-foot streetscape in County Right-of-Way (ROW), consisting of a ten (10)-foot sidewalk and five (5)-foot landscape strip with street-level pedestrian lights and street trees. Internally, new

streets would be required to meet public street standards and provide streetscaping elements on both sides from back of curb. The conditioning of maximum setbacks to supplement minimum front, side, and rear yard setbacks in the I-20 Overlay District would be a potential measure to ensure future development is pedestrian- and street-oriented. Portions of open space preserved along the western and southern periphery of the development site are within existing floodplains and the proposed development seems to avoid these areas or utilize them for active recreation (an athletic field and walking trails are shown). Due to the age of the original DRI study and the changes in the proposed site plan from the original, the ARC required that a new DRI study be conducted. The conclusion of this review (DRI #4109) was that the proposal appears to “somewhat align” with *Established Suburbs* policy recommendations, with its main causes for concern being the orientation of certain structures and an incomplete sidewalk network. The site plan submitted for the DRI request is an older version of the current site plan and shows additional townhome units instead of cottage dwellings and an alternative layout of buildings. While the comments regarding building location and orientation are important, these can be addressed by potential zoning conditions. Updated information has been provided by the applicant on the site plan and letter of intent, as instructed by Staff. From a land-use perspective, Staff is supportive of the applicant’s request to reduce and re-orient non-residential spaces to create a more diverse housing stock. While much of the existing construction may not have fully met the intention of the Neighborhood Center (NC) Character Area and I-20 Overlay District (as the original rezoning predated the latter), the proposed modification is generally supportive of their goals towards building orientation and pedestrian-oriented development. Therefore, the Planning and Sustainability department recommends *Approval with Conditions*.

PLANNING COMMISSION VOTE: (May 6, 2025) 30-Day Deferral 6-0-0. Commissioner Moore moved, Commissioner Osler seconded for a 30-day deferral, per Staff recommendation. **(January 7, 2025) Two-Cycle Deferral 9-0-0.** Vivian Moore moved, Jana Johnson seconded for a two-cycle deferral to the May 2025 zoning agenda, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (April 2025) Approval 5-4-0. (Dec. 2024) Full cycle deferral 7-0-0.

SUBSTITUTE
CZ-25-1246771 (2024-1496)
Staff Recommended Substitute Conditions
4015 Flat Shoals Parkway
Decatur, GA 30034
06/24/2025

1. The remaining 53.88 acre tract shall be developed in general conformance with the DRI site plan prepared by Eberly and Associates, revised/dated May 14, 2025 and titled “Clifton Springs Mixed Used Development DRI #4109”, with such modifications as are approved by the Director of Planning to confirm compliance with the I-20 Overlay District development standards.
2. Along Clifton Springs Road, a five (5)-foot landscape strip with street trees and street lights shall be provided from back of curb and a ten (10)-foot sidewalk shall be provided from back of this landscape strip in dedicated Right-of-Way (ROW), subject to approval by the Director of Planning and Transportation.
3. Interior Rights-of-Way shall be constructed to public street standards, with sidewalks required on both sides (with the exception of alleys, which shall be subject to the approval by the Director of Planning). Landscape strip and sidewalk widths shall be subject to approval by the Director of Planning to confirm that said widths are uniform throughout the development and match (or provide a proper transition) to existing streetscape improvements.
4. Any intersections of interior Rights-of-Way shall contain clearly marked/raised crosswalks. All intersections shall have a minimum of one (1) crosswalk that connects to the opposite side of the street.
5. Additional improvements shall be provided in accordance with development conditions per Georgia Regional Transportation Authority (GRTA) notice of Decision pursuant to DRI #4109. Any relocation or improvement of existing transit stops shall be subject to approval by MARTA and the Director of Planning.
6. New structures with frontages along Clifton Springs Road shall have a maximum setback of 20 feet from Right-of-Way. New structures with frontages along interior Rights-of-Way shall have a maximum setback of 15 feet from Right-of-Way, with the exception of alleys, subject to approval by the Director of Planning.
7. Any non-multifamily dwelling units in proximity to Clifton Springs Road shall either be oriented to front Clifton Springs Road or be screened by a six (6)-foot tall brick wall and/or six (6)-foot tall berm, subject to approval by the Director of Planning. Additional landscaping may be required for side-corner yards of non-multifamily dwelling developments; alternatively, said side-corner yards may be improved as areas of enhanced open space.

8. Areas of open and enhanced open space shall be provided in general conformance with the DRI site plan; a minimum of twenty (20) percent open space shall be provided on the development site. An active recreation area shall be shown in the general location of, but not limited to, the depicted athletic/soccer field. Other areas of enhanced open space providing age-appropriate amenities, including, but not limited to, dog walk areas, tennis courts, basketball courts, picnic tables, gazebos, park benches, outdoor fitness, equipment, etc. These items shall be shown on as part of a Conceptual Plan Package review and shall be subject to approval by the Director of Planning prior to issuance of a Land Development Permit (LDP).
9. Detention facilities shall be limited to below-ground detention facilities or above-ground facilities that are designed to look like an amenity and made to be a feature of the open space.
10. All wetlands shall be delineated and protected per the DeKalb County Land Development Code.
11. A landscape plan shall be required as part of the Conceptual Plan Package Review and additional landscaping shall be subject to review by the Director of Planning.
12. Approval of this major modification request by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity. Approval of this major modification request shall not be used in lieu of an approved Sketch/Preliminary Plat, Land Development Permit (LDP), building permit, or any other County permit nor shall be considered a guarantee of approval of any permit.