



Michael Thurmond  
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

**Planning Commission Hearing Date: March 6, 2018, 6:30 P.M.**  
**Board of Commissioners Hearing Date: March 27, 2018, 6:30 P.M.**  
(deferred from January 23, 2018)

### STAFF ANALYSIS

**Case No.:** CZ-17-21855 **Agenda #:** D.1

**Location/Address:** The north side of North Druid Hills Road, approximately 168 feet west of Berkeley Lane, at 2696 North Druid Hills Road, Atlanta. **Commission District:** 2 **Super District:** 6

**Parcel ID:** 18-151-01-004

**Request:** Major Modification to a zoning condition for the Madison (f.k.a.Viera Briarcliff Apartment Homes) pursuant to CZ-85101, to increase the maximum allowed density from 10 units per acre to 10.23 units per acre, to reflect removal of two undeveloped parcels from the development acreage.

**Property Owner:** Druid Hills Multifamily, LLC and IPX MF Druid Hills, LLC

**Applicant/Agent:** DeKalb County Board of Commissioners

**Acreage:** 48.95 (after removal of two undeveloped parcels and based on a new survey)

**Existing Land Use:** The Madison multifamily residential (f.k.a. Viera Briarcliff Apartment Homes)

**Surrounding Properties:** To the north, northeast, east, northwest: single-family residential; to the west, the Still Waters United Methodist Church; to the southwest, south, and southeast: Towns at Druid Hills townhome development.

**Adjacent Zoning:** **North:** R-85 **South:** RSM **East:** R-85 and R-100 **West:** RSM and R-100 **Northeast:** R-85 **Northwest:** R-85 **Southeast:** RSM **Southwest:** RSM

**Comprehensive Plan:** Suburban **Consistent** ☒ **Inconsistent** ☐

<b>Proposed Density:</b> 10.23 units/acre	<b>Existing Density:</b> conditioned on 10 units/acre; actual density as of Sept. 26: 10.23 units/acre
<b>Proposed Units:</b> 500	<b>Existing Units:</b> 500

### **Zoning History:**

In 1985, the property was zoned from R-100 (Single-Family Residential) to RM-100 pursuant to CZ-85101, to construct a 500-unit multifamily residential development. (The RM-100 classification was converted to MR-1 (Medium-Density Residential – 1) by adoption of an updated zoning code in 2015.) One of the zoning conditions approved in 1985 states, “Density is reduced to a maximum of 10 units per acre as recommended by the Comprehensive Plan.”

Two properties to the north of the tract, located on Jan Hill Lane, were included in the acreage of the multifamily development and were rezoned to RM-100 at the same time as the larger parcel on North Druid Hills Road. The conditional site plan indicates that the Jan Hill Lane properties were to remain undeveloped to provide a transition between the multifamily residential development and the single-family residential neighborhood located to the east. The two Jan Hill Lane properties, which together comprise .93 acres, were rezoned on September 26, 2017 for development of a single-family house and for community greenspace. The rezoning action removed the Jan Hill Lane properties from the total acreage of the original tract. Thus, the density of the 500-unit multifamily residential development has mathematically increased to 10.23 units per acre.

### **SITE ANALYSIS**

The subject property is a 48.95-acre tract with approximately 820 feet of frontage on North Druid Hills Road and approximately 720 feet of frontage on Georgiana Drive and Beacon Hill Boulevard. It is developed with a 500-unit apartment complex called the Madison (formerly known as Viera Briarcliff). The gated front entrance to the apartment complex is on North Druid Hills Road. The complex consists of 26, two-story residential buildings, a clubhouse with swimming pool and gym, and several surface parking lots. Landscaped areas with mature trees are located throughout the property.

### **Character of Surrounding Area**

The property is located in a primarily residential area. Single-family residential neighborhoods, zoned R-85, R-100, and R-60, are located to the north, northwest, northeast, and east. The Still Waters United Methodist Church, zoned R-100, is located on the adjoining property to the west. To the south, across North Druid Hills Road, a 65-unit townhome development, zoned RSM, is nearing completion of construction.

Use of the subject property for multifamily residential development, at both the former and current density, is consistent with the zoning and land use pattern of the surrounding area.

### **PROJECT ANALYSIS**

No new development is proposed. The purposed of the requested Major Modification is to amend the zoning condition, adopted in 1985, that limits density to a maximum of 10 units per acre. The increase in density results from removal of two parcels from the total development acreage, not from construction of new units. All other 1985 conditions will remain in place.

The other conditions adopted in 1985 pertain to the conceptual site plan, drainage and traffic access, architectural style and construction materials, setbacks, acceptance of a homeowners agreement, and retention of existing trees in the transitional buffer. These conditions were met when the multifamily development was originally constructed.

Staff recommends that, in addition to revising Condition No. 1 to reflect the revised density, conditions be deleted or reworded if they are extraneous, no longer relevant to the property, or no longer effective if the property were to be redeveloped. The following paragraph shows the recommended revisions and deletions:

1. ~~Density is reduced to a maximum of 10 units per acre as recommended by the Comprehensive Plan.~~ The maximum density of the subject property shall be 10.23 units per acre.
2. ~~With the exception of #4, conditions of the 6/28/85 amendment are incorporated.~~
3. ~~The conceptual site plan is included.~~ Site layout, open space, building heights, yard setbacks, vehicular access, and other development components shall be consistent with the survey by W&B (Watts & Browning Engineers, Inc.) dated 11/6/12.
4. ~~Matters concerning drainage and traffic which are referenced by the Public Works director in his memo of 7/10/85 are applied as conditions.~~
5. ~~Drainage and access shall be approved by the Public Works Director.~~
6. Architectural style and construction materials shall ~~be the same as in Wood Hollow.~~ comply with the building form standards of Article 5 of the zoning ordinance.
7. ~~Setbacks shall be the same as shown on the site plan.~~
8. ~~Acceptance of a homeowners' agreement.~~
9. Existing trees in the buffer shall be retained.
10. ~~Retention shall be 120% in all areas except for High Haven areas, which shall be 110%.~~ Stormwater and drainage infrastructure shall be subject to approval by the Department of Planning and Sustainability and the Department of Public Works.

#### **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 development will remain consistent with the following policy of the 2035 Comprehensive Plan: "Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density." (Suburban Policy No. 1) The original 10 unit per acre density of the development was consistent with the Comprehensive Plan in effect at the time the multifamily development was constructed. Although the current land use designation of SUB (Suburban) allows a maximum of eight units per acre, no increase in number of units is proposed, and no change to the impact of the development on adjoining and nearby properties is anticipated.

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

No change is proposed for the use of the property, and it will remain suitable in view of the residential use of adjacent and nearby properties.

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

No change will be made to the underlying MR-1 zoning of the property.

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

Modification of the zoning condition is not expected to affect the existing or future use of adjacent and nearby property. The surrounding area is designated Suburban on the Future Land Use Map, with a maximum density of 8 units per acre. This designation is expected to act as a control on the density of future development.

**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 reason for the proposed Modification is that two parcels on Jan Hill Lane were rezoned and removed from the acreage of the development site. No other development-related conditions have become apparent.

**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 will be no change in the number of existing units as a result of the proposed modification; therefore, no change in demand on existing infrastructure is likely.

**Compliance with District Standards:** The existing development appears to comply with the approved conceptual site plan and zoning conditions. Any non-compliance is legally nonconforming.

**STAFF RECOMMENDATION: APPROVAL.**

The development will remain consistent with the following policy of the 2035 Comprehensive Plan: “Protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns and density.” (Suburban Policy No. 1) The original 10 unit per acre density of the development was consistent with the Comprehensive Plan in effect at the time the multifamily development was constructed. Although the current land use designation of SUB (Suburban) allows a maximum of eight units per acre, no increase in number of units is proposed, and no change to the impact of the development on adjoining and nearby properties is anticipated. The surrounding area is designated Suburban on the Future Land Use Map, with a maximum density of 8 units per acre. This designation is expected to act as a control on the density of future development. Therefore, the Department of Planning and Sustainability recommends “Approval” with the following conditions:

1. The maximum density of the subject property shall be 10.23 units per acre.
2. Site layout, open space, building heights, yard setbacks, vehicular access, and other development components shall be consistent with the survey by W&B (Watts & Browning Engineers, Inc.) dated 11/6/12.
3. Architectural style and construction materials shall comply with the building form standards of Article 5 of the zoning ordinance.
4. Existing trees in the buffer shall be retained.
5. Stormwater and drainage infrastructure shall be subject to approval by the Department of Planning and Sustainability and the Department of Public Works.
6. These conditions shall replace all previous conditions adopted pursuant to CZ-85101.

**Attachments:**

1. Department and Division Comments
2. Board of Health Comments
3. Application
4. Site Plan

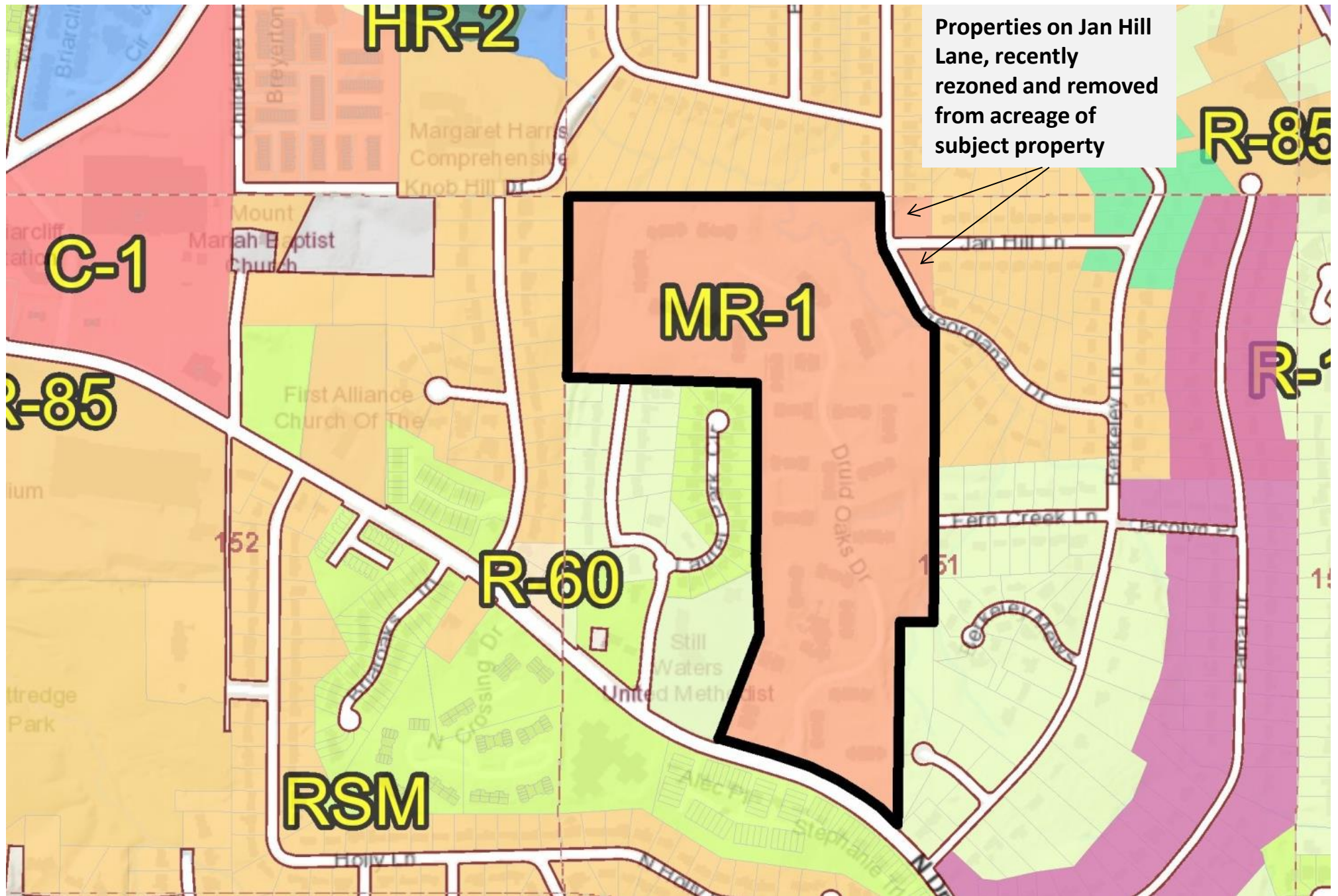
5. Zoning Map
6. Land Use Plan Map
7. Aerial Photograph
8. Site Photographs

## NEXT STEPS

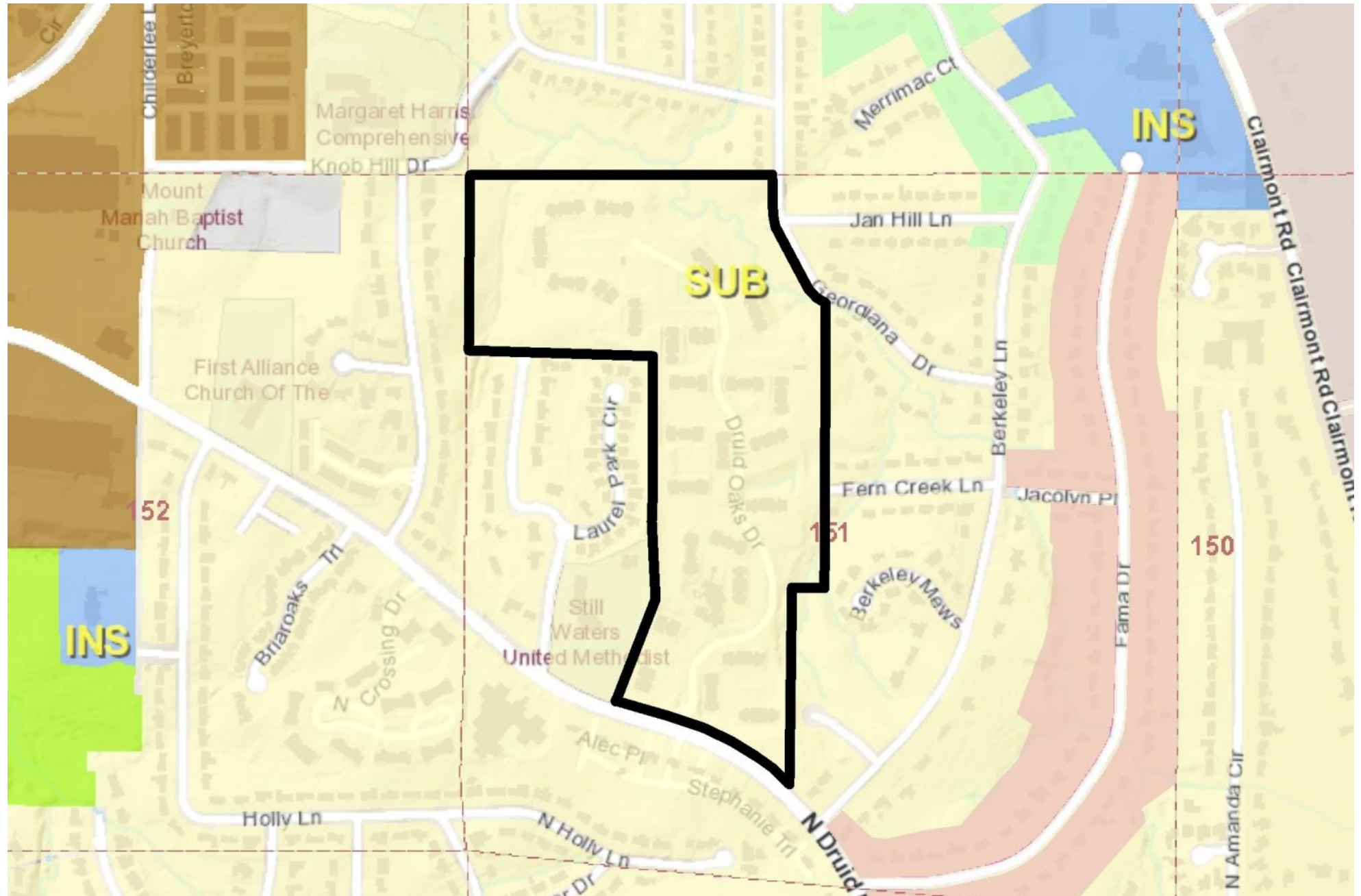
*Following an approval of this zoning action, none of the following is required:*

- **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.**















Subject Property at Front Entrance Gate



Subject Property – View from N. Druid Hills Road