



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

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

**Planning Commission Hearing Date: November 01, 2018, 6:30 P.M.**

**Board of Commissioners Hearing Date: November 13, 2018, 6:30 P.M.**

**STAFF ANALYSIS**

**Case No.:** 2018-2794/ Z-18-1235229      **Agenda #:** N.11

**Location/Address:** The north side of North Decatur Road, approximately 214 feet south of Emory Road, at 1526 N Decatur Road, Atlanta, Georgia 30307.      **Commission District:** 2 **Super District:** 6

**Parcel ID:** 18-053-02-027

**Request:** To request a Rezone from MR-2 (Residential Medium Lot) to OI (Office Institutional) to allow the use of an existing student center.

**Property Owners:** Emory Jewish Student Center

**Applicant/Agent:** Director of Planning and Sustainability

**Acreage:** 0.4 Acres

**Existing Land Use:** Student Center

**Surrounding Properties:** Single-Family detached residences, Multifamily residences, and office

**Adjacent & Surrounding Zoning:** North: R-75 (Residential Medium Lot) District  
East: OI (Office Institutional District)  
South & West: MR-2 (Residential Medium Lot )

**Comprehensive Plan:** Neighborhood Center      Consistent X

<b>Proposed Square Footage:</b> N/A	<b>Existing:</b> Student Center
<b>Proposed Lot Coverage:</b> N/A	<b>Existing Lot Coverage:</b> <65%

## **SUBJECT SITE & ZONING HISTORY**

Property is located on the north side of North Decatur Road, approximately 214 feet south of Emory Road, at 1526 N Decatur Road, Atlanta, Georgia 30307. Per the submitted site survey, the site consists of 0.436 acres (19,002 square feet) with a frontage of 65 feet. The site configuration is a long rectangular shape. Access is from North Decatur Road. The character of the area immediately surrounding the site consists of established single-family residences to the west and north. Directly east of the subject property are offices, and south across North Decatur Road is multifamily residences.

The site is currently zoned MR-2 (Multi Family residences) District but GIS shows the property zoned as OI (Office Institutional), because of a discrepancy in records as described below. This rezoning request aims to remedy this issue.

## **PROJECT ANALYSIS**

The request is to rezone from MR-2 (Residential Medium Lot) to OI (Office Institutional) to allow for an existing student center. Per the submitted materials, there was a rezoning that took place in 1998, pursuant to CZ-98036, from RM-75 at the time (now MR-2 (Residential Medium Lot)) to OI (Office Institutional). The County Attorney at the time indicated to the Board that because the two district commissioners did not vote for the rezoning to OI (Office Institutional), that it was not valid. Staff confirmed with the current county attorney whose response was as follows:

*“This matter was litigated, and it was ultimately determined by the Georgia Court of Appeals that the rezoning was invalid because neither the District nor Super District Commissioner where the property is located voted in favor of the rezoning. This is referred to as “ward courtesy” as is a prerequisite for any valid rezoning in DeKalb under Sec. 9(a) (10) of our Org Act. I do not know if there was a subsequent rezoning application that may have successfully rezoned the property, but the 4/30/98 vote was ineffective in rezoning the property.”*

Therefore, the property remained RM-75, but the zoning map was not changed back from OI to RM-75. The district name was changed in the zoning code update in 2015 to MR-2 (Medium Density Residential-2). Under the O-I district the current use of a student center is allowed.

## **COMPLIANCE WITH DISTRICT STANDARDS**

The site must comply with minimum development standards of the OI (Office Institutional) District per Table 2.2 of the DeKalb County Zoning Ordinance. Per the chart below, the existing student center can comply with minimum development standards for the OI (Office Institutional) District per Article 2 of the DeKalb County Zoning Ordinance.

STANDARD	REQUIREMENT	EXISTING	COMPLIANCE
LOT WIDTH (OI)	A minimum 100 feet of lot width on a public street frontage	Approximately 69.75 feet of frontage along North Decatur Road.	Existing legal nonconforming structure.
LOT AREA (OI)	20,000 Square Feet	0.436 acres or 19,002 square feet.	Existing legal nonconforming structure.
FRONT BUILDING SETBACK	20/50 Front thoroughfares and arterials (min./max. feet)	Existing building on site is setback approximately 80 feet.	Existing legal nonconforming structure.
SIDE YARD SETBACK	20 Feet	14.6 feet along the western portion and 8.3 feet along the eastern portion.	Existing legal nonconforming structure.
REAR YARD SETBACK	30 Feet	Not provided	Existing legal nonconforming structure.
TRANS. BUFFERS Table 5.2(a)	50 feet adjacent to MR-2 and R-75 zoned district.	Not provided	Yes.
HEIGHT	5 stories/70 feet	Existing building is 2-stories	Yes.
PARKING Article 6	One (1) space for each one hundred (100) square feet of floor area.	Submitted site survey depicts 10 parking spaces.	Existing legal nonconforming structure.

### **ZONING ANALYSIS**

The requested OI (Office Institutional) District is compatible with existing non-residential districts and developments located east of the subject property. Adjacent to the site along the western property line and south of the subject property, across North Decatur Road, is zoned MR-2 (Residential Medium Lot) District. Property located north is zoned R-75 (Residential Medium Lot) districts.

Given that the site is located within the Druid Hills Historic District, new construction will require a Certificate of Appropriateness from the DeKalb County Historic Preservation Board. This process will ensure consistency with development standards in the area and will not have a negative impact on the character of the overall neighborhood.

**Chapter 27-Article 7.3.5. Standards and factors governing review of proposed amendments to the Official Zoning Map. 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 rezoning request to the OI (Office Institutional) District reflects consistency with the following NC character area Plan Policy: Promoting healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity. The student center will be used by Emory University students only.

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

The rezoning request to OI (Office Institutional) District would allow low intensity non-residential uses compatible with other non-residential and residential uses along North Decatur Road.

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

The site has a reasonable economic use as currently zoned, MR-2 (Residential Medium Lot).

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

The rezoning request will not adversely affect the existing use or usability of adjacent zoned 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.**

No other existing or changing conditions exist 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 buildings, sites, districts, or archaeological resources.**

The proposed rezoning request should not have an adverse effect on historic buildings, sites, districts, or archaeological resources. Given that the site is located within the Druid Hills Historic District, new construction will require a Certificate of Appropriateness from the DeKalb County Historic Preservation Board. This process will ensure consistency with development standards in the area and will not have a negative impact on the character of the overall neighborhood.

**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.**

The site is located on a two-lane minor arterial (North Decatur Road). The proposed rezoning should not cause an excessive burden on existing streets and transportation facilities. The proposed use will have no impact on area schools.

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

The rezoning proposal to the O-I zoning district should not adversely impact the environment or surrounding natural resources.

**Staff Recommendation: APPROVAL CONDITIONAL**

The applicant is requesting to rezone the property from MR-2 (Residential Medium Lot) to OI (Office Institutional) to correct a mislabeling to the Zoning Map. The rezoning request to the OI (Office Institutional) District reflects consistency with the following Neighborhood Center character area Plan Policy: Promoting healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity, since the student center will be used by Emory University students only. The Department of Planning and Sustainability recommends **“APPROVAL CONDITIONAL”** of the rezoning request to O-I (Local Commercial) subject to the following conditions:

1. The façade of the building shall be retained as residential.
2. Any free-standing sign shall be monument type.
3. There shall be no parking in the front yard.

**Attachments:**

1. Department Comments
2. Site Survey
3. Zoning & Land Use Maps



## DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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**

Consult the DeKalb County Transportation Department prior to land development permit. Verify widths from the centerline of the roadways to the property line for possible right-of-way dedication. Improvements within the right-of-way may be required as a condition for land development application review approval. Safe vehicular circulation is required. Paved off-street parking is required.

- **Storm Water Management**

Compliance with the Georgia Stormwater Management Manual, DeKalb County Code of Ordinances 14-40 for Stormwater Management and 14-42 for Storm Water Quality Control, to include Runoff Reduction Volume where applicable is required as a condition of land development permit approval, if one becomes necessary. Use Volume Three of the G.S.M.M. for best maintenance practices. Use the NOAA Atlas 14 Point Precipitation Data set specific to the site. Recommend Low Impact Development features and Green Infrastructure be included in the proposed site design to protect as much as practicable.

- **Flood Hazard Area/Wetlands**

The presence of FEMA Flood Hazard Area was indicated in the County G.I.S. mapping records for the site; and should be noted in the plans at the time of any land development permit

application. Encroachment of flood hazard areas require compliance with Article IV of Chapter 14 and FEMA floodplain regulations.

- **Landscaping/Tree Preservation**

Landscaping and tree preservation plans for any building, or parking lot must comply with DeKalb County Code of Ordinances 14-39 as well as Chapter 27 Article 5 and are subject to approval from the County Arborist.

- **Tributary Buffer**

State water buffer was reflected within 200 feet of the site in the G.I.S. records. Typical state waters buffer have a 75' undisturbed stream buffer and land development within the undisturbed creek buffer is prohibited without a variance per DeKalb County Code of Ordinances 14-44.1.

- **Fire Safety**

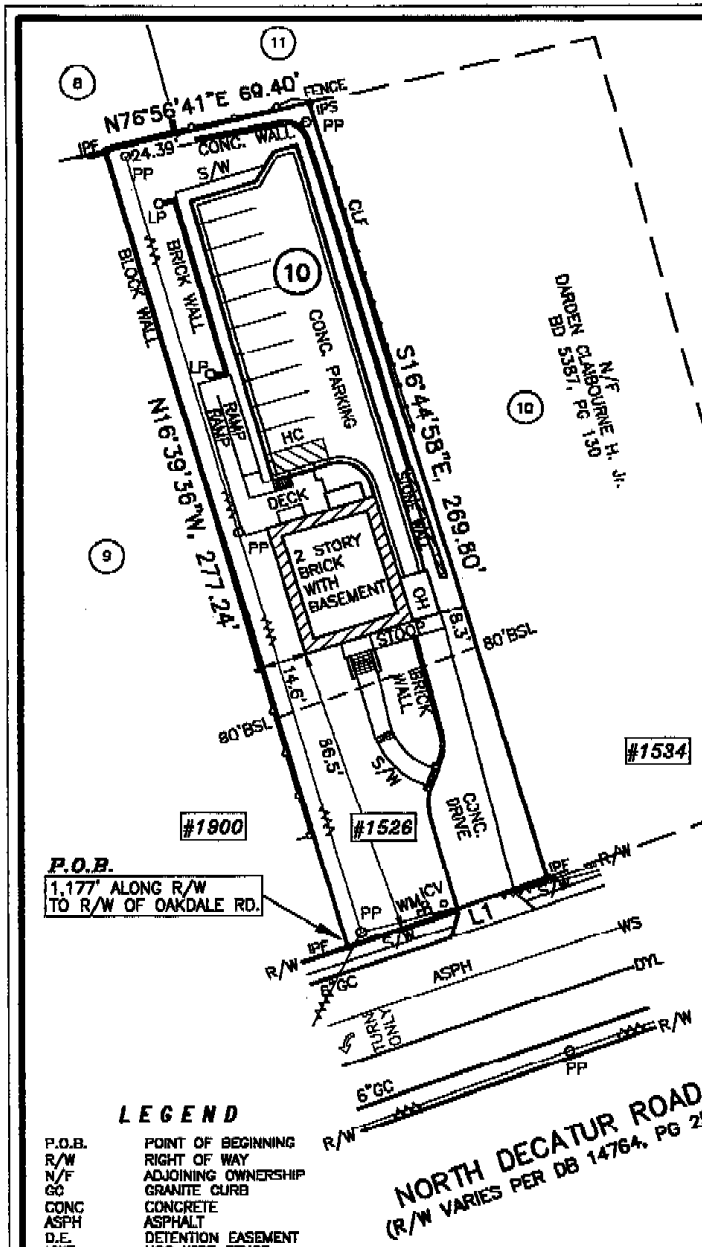
Plans for land development permit must comply with Chapter 12 DeKalb County Code for fire protection and prevention.

LINE TABLE		
LINE	LENGTH	BEARING
L1	69.75'	S70°48'42"W

THIS PROPERTY DOES NOT LIE WITHIN A 100-YR FLOOD HAZARD AREA AS PER PANEL NO. 13089C0062 H DATED: 05/07/2001

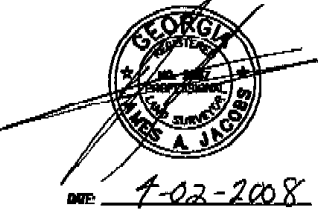
**SITE AREA**  
0.436 Acres  
19,002 Sq.Ft.

SCALE : 1" = 50'



P.O.B.  
1,177' ALONG R/W TO R/W OF OAKDALE RD.

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW.



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**LEGEND**

- P.O.B. POINT OF BEGINNING
- R/W RIGHT OF WAY
- N/F ADJOINING OWNERSHIP
- GC GRANITE CURB
- CONC CONCRETE
- ASPH ASPHALT
- D.E DETENTION EASEMENT
- HWF HOG WIRE FENCE
- SSMH SANITARY SEWER MANHOLE
- CLF CHAIN LINK FENCE
- WV WATER VALVE
- DYL DOUBLE YELLOW LINE
- FH FIRE HYDRANT
- WS WHITE STRIPE
- WM WATER METER
- S/W SIDE WALK
- LP LIGHT POLE
- DB DEED BOOK
- PG PAGE
- OVERHEAD POWER LINE

**NORTH DECATUR ROAD**  
(R/W VARIES PER DB 14764, PG 257)

**NOTES:**

- ALL IRON PINS LABELED AS SET or FOUND (IPs or IPF), ARE 1/2" REBAR RODS, UNLESS OTHERWISE INDICATED.
- THIS SITE IS NOT LOCATED WITHIN 500 FEET OF A NATIONAL GEODETIC SURVEY MONUMENT.
- FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH NIKON 2 SECOND TOTAL STATION.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 16,686 FEET AND AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED BY LEAST SQUARES.
- THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 385,414 FEET.
- THIS PLAT IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAYS PRIVATE AND PUBLIC, UNDERGROUND UTILITIES AND / OR STRUCTURES, IF ANY, MAY NOT BE SHOWN
- ALL MATTERS OF TITLE ARE EXCEPTED



DEED/PLAT DISCLAIMER: THIS PLAT MAY NOT CONFORM TO THE BEARINGS AND DISTANCES RECOMMENDED ON THE DEED AND/OR PLAT OF RECORD DUE TO SEVERAL FACTORS INCLUDING, BUT NOT LIMITED TO, THE NATURE OF THE ADVANCES IN SURVEYING TECHNOLOGY SUCH AS ELECTRONIC MEASURING DEVICES, MORE PRECISE ANGULAR MEASUREMENTS AND THE ADVENT OF SATELLITE SURVEYING TECHNIQUES USING "GPS" AND "GLONASS" SATELLITE CONSTELLATIONS. SURVEYS USING SATELLITE OBSERVATIONS ARE CORRECTED TO THE GEORGIA WEST STATE PLAIN COORDINATE SYSTEM AND USE "GEODETIC" OR "GRID" NORTH AS OPPOSED TO "MAGNETIC" NORTH.

SURVEY FOR:

**ZALMAN LIPSKIER**

**PROLINE SURVEYING, INC.**  
6679 HICKORY FLAT HIGHWAY - CANTON, GEORGIA 30115  
770-345-0082

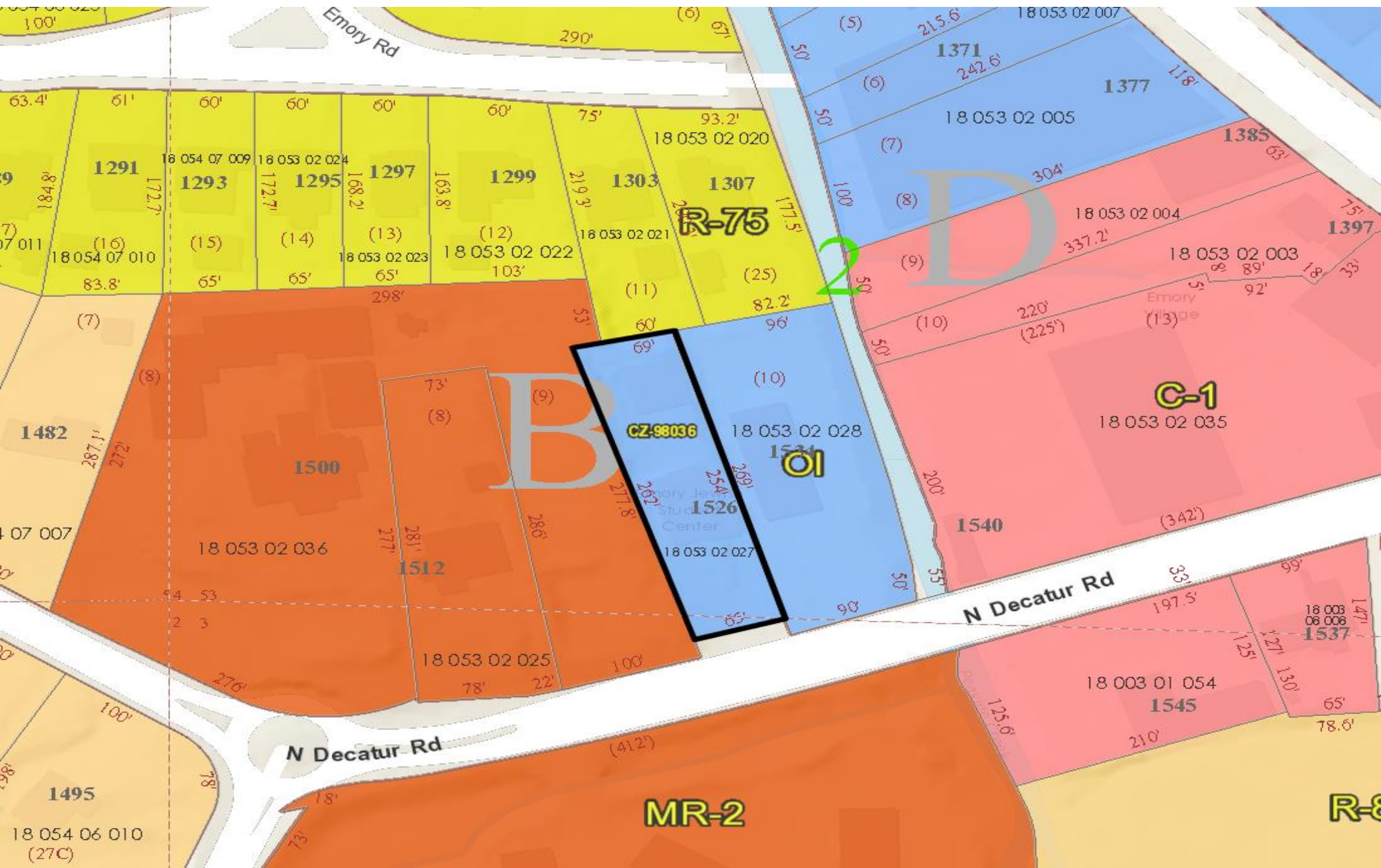
LAND LOT: 53	SURVEYED: 4/01/08
DISTRICT: 18th	DRAWN: 4/02/08 BY: DS
COUNTY: DeKALB	SCALE: 1"=50'

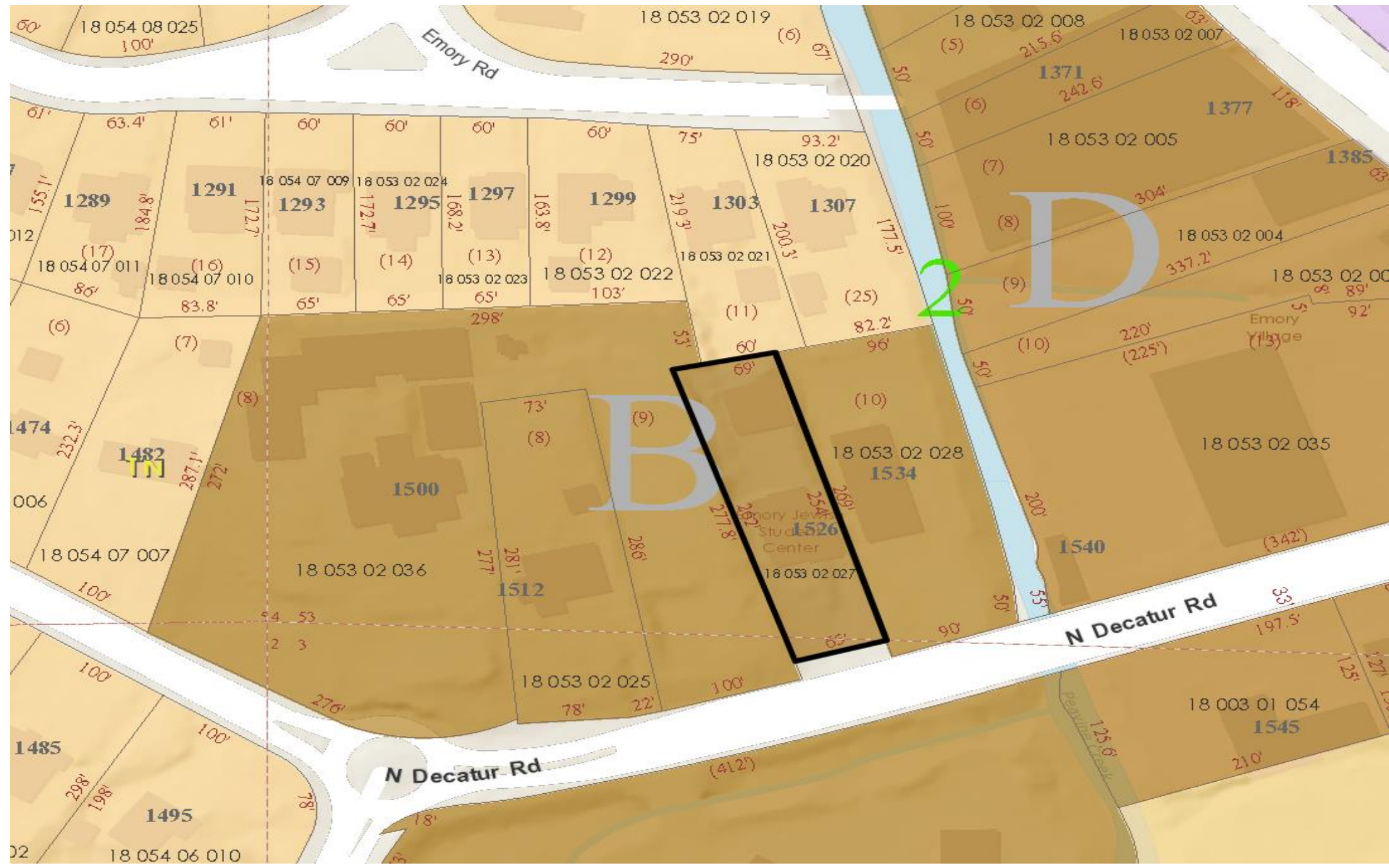
PART OF LOT 10  
1526 NORTH DECATUR ROAD

SUBDIVISION: LULLWATER

PB 8, PG 36 PL2008-083







N.11

Z-18-1235229

Aerial

