



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: September 6, 2018, 6:30 P.M
Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: CZ-18-1235133 **Agenda #:** N. 23

Location/Address: 1361 Stephens Road and 1098-1116 Briar Cove Circle **Commission District:** 02 **Super District:** 06

Parcel ID: 18-106-10-017,18-106-10-045,18-106-10-046,18-106-10-047,18-106-10-048,18-106-10-049,18-106-10-050,18-106-10-051,18-106-10-052,18-106-10-053,18-106-10-054,18-106-10-055,18-106-10-056,18-106-10-057,18-106-10-058,18-106-10-059,18-106-10-060,18-106-10-061,18-106-10-062,18-106-10-063

Request: A Major Modification to zoning conditions pursuant to CZ-061087 to amend the site plan of a townhome subdivision.

Property Owner/Agent: Etian Varon/Carl Westmoreland

Applicant/Agent: Director of Planning and Sustainability

Acreage: 2.38

Existing Land Use: The development is under construction. The land has been cleared and townhomes have been framed for construction.

Surrounding Properties: To the north, south, and west: single family residential; to the east and across Briarcliff Road: mix of single family and multi-family residential.

Adjacent Zoning: **North:** R-85 **South:** R-85 **East:** MR-1 **West:** R-85

Comprehensive Plan: SUB Consistent ☒ Inconsistent ☐

| | |
|---|--|
| Proposed Density: 8 d.u./acre | Existing Density: na |
| Proposed Units/Square Ft.: 19 dwelling units | Existing Units/Square Feet: Proposed units are under construction |
| Proposed Lot Coverage: 38% impervious | Existing Lot Coverage: Under construction as proposed. |

Zoning History:

On June 12, 2006, The Board of Commissioners approved rezoning the subject property from R-85 to R-A8 with 14 conditions (see attached conditions and originally approved site plan; three of the 14 conditions added on the site plan itself). Field conditions and an expansion of the per-unit footprint necessitated changes to the original site plan. The proposed site plan changes require a Major Modification because one of the changes moves a building closer to a property line. Applicant requests a total of two zoning conditions pursuant to CZ-061087 to be amended, along with the approval of an amended site plan for the 19 unit single family townhome development.

The following table compares the current proposal with the approved conditions and site plan:

| <u>Approved Proposal</u> | <u>Proposed Revisions</u> |
|---|---|
| Residential Uses: (Total units) 19 single-family attached homes Total: 19 units | Residential Uses: (Total units) 19 single-family attached homes Total: 19 units |
| A row of 10 units in the front along Briarcliff Rd; 9 units behind. | A row of 11 units in the front along Briarcliff Rd; 8 units behind. |
| Briarcliff Rd.: Right-in and Right-out access with raised median | Briarcliff Rd: Right-in only access, as approved by GDOT |

PROJECT ANALYSIS

Subject property has 221 feet of road frontage along Stephens Road and around 300 feet of frontage along Briarcliff. No land disturbance permitting was pursued on the property until 2013. Between 2013 and 2015, permitting continued only intermittently under three different extensions and various resubmittals. In September 2015 an LDP plan set met environmental and infrastructure regulations, however it included a design layout that varied from the original concept plan approved at zoning (see proposed site plan attached dated April 7, 2016).

Specifically, because of the shape of the property and the steep topography on the southwest side of the property and the location of the access easement and drainage pipe servicing the detention pond required by engineering, two of the units sited in the rear row had to be moved. Additionally zoning conditions required a 2,000 square foot minimum unit size, expanding the overall footprint from that which was depicted on the original site plan.

These factors generated modifications of the site, moving one unit from the rear to the front (closer to the street) and reorienting one of the rear units.

Approved CZ-061087 conditions requested to be modified:

Condition No. 1: Subject to approval from the Development Department, the Subject Property will be zoned R-A8 and developed substantially in accordance with the conceptual site plan ~~prepared by LBG-M Engineering dated February 2, 2006~~ April 7, 2016, (the "Site Plan") ~~and with amended Condition #2 regarding access and as otherwise~~ in accordance with certain hand-written road improvements dated April 19, 2006 required by John Gurbal, Director of the DeKalb County Transportation Department and further recommendations by the Transportation Department by facsimile on same plan regarding a landscaped median on Stephens Drive (hereinafter "Transportation Improvements").

Condition No. 2: The existing driveways will be consolidated and all vehicular access to the Subject Property shall be as designed as indicated on the April 7, 2016 site plan and as approved by the GDOT and DeKalb County Transportation Division ~~by the Transportation Improvements~~. Such road improvement shall include a right in ~~only/right out~~ on Briarcliff Road with a raised median and a right in/left out on Stephens Drive with a raised island and a “No Right Turn” sign located internal to the development at the entrance.

If modifications approved, additional amendment to mitigate impact:

Condition 10. A six foot opaque, decorative fence shall be installed along the southern property boundary that is shared by Mr. Homer Cheung. Additionally, a row of Leyland Cypress or other ever green trees shall be planted inside the fence to provide additional screening for Mr. Cheung. Developer shall provide enhanced landscaping in the front yard area located between Unit 11 and the property line along Stephens Drive, including but not limited to a minimum of two trees of 6 foot in height at planting located within the widest dimension of the yard and one row of shrubs. Planting plan to be approved by County Arborist.

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 continues to comply 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 proposed modifications do not affect the approved use of single-family homes, which are a use that is compatible with surrounding properties.

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

The proposed modifications will maintain the economic use that prior government approval has established.

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

Although complying with or exceeding the zoning district front yard setback, the proposed placement of a unit from the rear row to the front and closer to street property lines will generate a visual impact from the street-view along Stephens Road. Additional screening will help mitigate the visual impact.

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 original site plan showed smaller units than what Condition # 8 subsequently required (minimum 2,000 square feet with a two car garage). Compliance with the zoning condition resulted in wider units, which expanded the cumulative footprint of the units.

Further, because of the shape of the property, and the steep topography on the southwest side of the property, the access easement needed to service the detention pond needed to go through the area where the last two units would have been. There is also a drainage pipe through that same area.

The resulting design solution proposes moving one unit to the front row (nearer to the street and further away from adjacent uses) and the other to be re-oriented (turned another sideways. The alternative would be to prohibit one or both of the units modified by field conditions and the expanded footprint (see site plan).

While the design change adds no additional density, it moves the unit closer to the street-frontage property, thus necessitating a Major Modification consideration by the Board. The approved site plan showed two blocks of single family homes attached units, a row of ten units in the front along Briarcliff and nine units behind, right-in and right-out from Briarcliff Road; Condition #1 requires “substantial compliance” to that site plan.

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

The proposed modifications have no such adverse effects.

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 proposed modifications will not cause burdensome use of existing streets. The ingress and egress proposed changes to the Briarcliff Road curb-cut access meet operational needs as determined by GDOT.

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

The proposed modifications result from topographic conditions and the detention pond location necessitated by hydrological conditions: civil engineering determined the location of the access easement for maintenance on the detention pond as well as the location of the drainage pipes. These stormwater management technologies are required for management of environmental resources.

Compliance with the Governing Zoning Ordinance (adopted 1999)

| R-A8 STANDARD | REQUIRED/ALLOWED | PROVIDED/PROPOSED | COMPLIANCE |
|---------------|--|---|------------|
| SETBACKS | FRONT: 5-FT & 20-FT FOR GARAGE IN FRONT SIDE: 15-FT REAR: 30-FT | FRONT: VARIES BETWEEN 15-30 FT ALONG BIARCLIFF; 5-10 FT ALONG STEPHENS SIDE: 5-FT REAR: 30-FT | Yes |
| LOT COVERAGE | 50% max | 38% of impervious surface | Yes |

STAFF RECOMMENDATION: APPROVAL OF THE FOLLOWING MODIFIED CONDITIONS

The requested modifications would not change the development to the extent that it would become inconsistent with the policies of the Comprehensive Plan. The modifications would not alter the impact of the development on adjacent or nearby residential properties, however an additional unit closer to the road does generate a visual impact on Stephens Road. The requested modifications would not change the number of residential units. Therefore, the Department of Planning and Sustainability recommends "Approval" of the requested modifications, provided the developer mitigate the visual impact of the 11th unit.

Staff recommends that Conditions 1, 2, and 10 be modified as indicated below to reflect approval of the attached, proposed site plan, and further recommends additional language to Condition 10 pertaining to landscaping requirements as follows:

1. Subject to approval from the Development Department, the Subject Property will be zoned R-A8 and developed substantially in accordance with the conceptual site plan ~~prepared by LBG M Engineering dated February 2, 2006~~ April 7, 2016, (the "Site Plan") ~~and with amended Condition #2 regarding access and as otherwise~~ in accordance with certain hand-written road improvements dated April 19, 2006 required by John Gurbal, Director of the DeKalb County Transportation Department and further recommendations by the Transportation Department by facsimile on same plan regarding a landscaped median on Stephens Drive (hereinafter "Transportation Improvements").
2. The existing driveways will be consolidated and all vehicular access to the Subject Property shall be as designed as indicated on the April 7, 2016 site plan and as approved by the GDOT and DeKalb County Transportation Division ~~by the Transportation Improvements~~. Such road improvement shall include a right in only/~~right out~~ on Briarcliff Road with a raised median and a right in/left out on Stephens Drive with a raised island and a "No Right Turn" sign located internal to the development at the entrance.
10. A six foot opaque, decorative fence shall be installed along the southern property boundary that is shared by Mr. Homer Cheung. Additionally, a row of Leyland Cypress or other evergreen trees shall be planted inside the fence to provide additional screening for Mr. Cheung. Developer shall provide enhanced landscaping in the front yard area located between Unit 11 and the property line along Stephens Drive, including but not limited to a minimum of two trees of 6 foot in height at planting located within the widest dimension of the yard and one row of shrubs. Planting plan to be approved by County Arborist.

Recommended conditions without mark-ups:

1. Subject to approval from the Development Department, the Subject Property will be zoned R-A8 and developed substantially in accordance with the conceptual site plan dated April 7, 2016, (the "Site Plan") with amended Condition #2 regarding access and as otherwise in accordance with certain hand-written road improvements dated April 19, 2006 required by John Gurbal, Director of the DeKalb County Transportation Department and further recommendations by the Transportation Department by facsimile on same plan regarding a landscaped median on Stephens Drive (hereinafter "Transportation Improvements").

2. The existing driveways will be consolidated and all vehicular access to the Subject Property shall be as designed as indicated on the April 7, 2016 site plan and as approved by the GDOT and DeKalb County Transportation Division. Such road improvement shall include a right in only on Briarcliff Road with a raised median and a right in/left out on Stephens Drive with a raised island and a "No Right Turn" sign located internal to the development at the entrance.
3. The developer shall construct a 4 foot wide and approximately 50 foot long landscaped median on Stephens Drive to be located as shown on the Transportation Improvements, which will further preclude residents from the proposed development from turning right out of the development. Exact location and length of median to be determined by DeKalb County Transportation Department, and should accommodate residents across Stephens Drive from the proposed development. Landscaping for the Stephens Drive median shall be determined after consultation with the County Arborist and the Biltmore Estates neighborhood committee. Landscaped medium must be completed before issuance of and certificate of occupancy.
4. The height of any buildings on the Subject Property shall be restricted to three stories.
5. Underground utilities shall be utilized.
6. Any exterior lights shall be screened, shielded and/or shaded so as to minimize glare and the casting of light outside of the new development.
7. The front façade and sides of each building shall consist of brick, masonry stucco, stacked stone, shake, and/or other masonry products (excluding the architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or any other cantilevered areas.
8. Each townhome shall have a minimum of 2,000 square feet of heated floor space and a two car garage.
9. All open space, park space, landscaping, architectural controls and other common areas shall become the responsibility of mandatory Homeowners' Association established by the Developer for this community.
10. A six foot opaque, decorative fence shall be installed along the southern property boundary that is shared by Mr. Homer Cheung. Additionally, a row of Leyland Cypress or other evergreen trees shall be planted inside the fence to provide additional screening for Mr. Cheung. Developer shall provide enhanced landscaping in the front yard area located between Unit 11 and the property line along Stephens Drive, including but not limited to a minimum of two trees of 6 foot in height at planting located within the widest dimension of the yard and one row of shrubs. Planting plan to be approved by County Arborist.

11. In an effort to improve pedestrian access in the Biltmore Estates community, the Applicant shall install sidewalks from the Subject Property's northeast boundary line on Stephen Drive to its intersection with Biltmore Drive, subject to approval by DeKalb County and/or property owners on Stephens Drive where no County right-of-way exists along their property where the sidewalks are proposed.

Attachments:

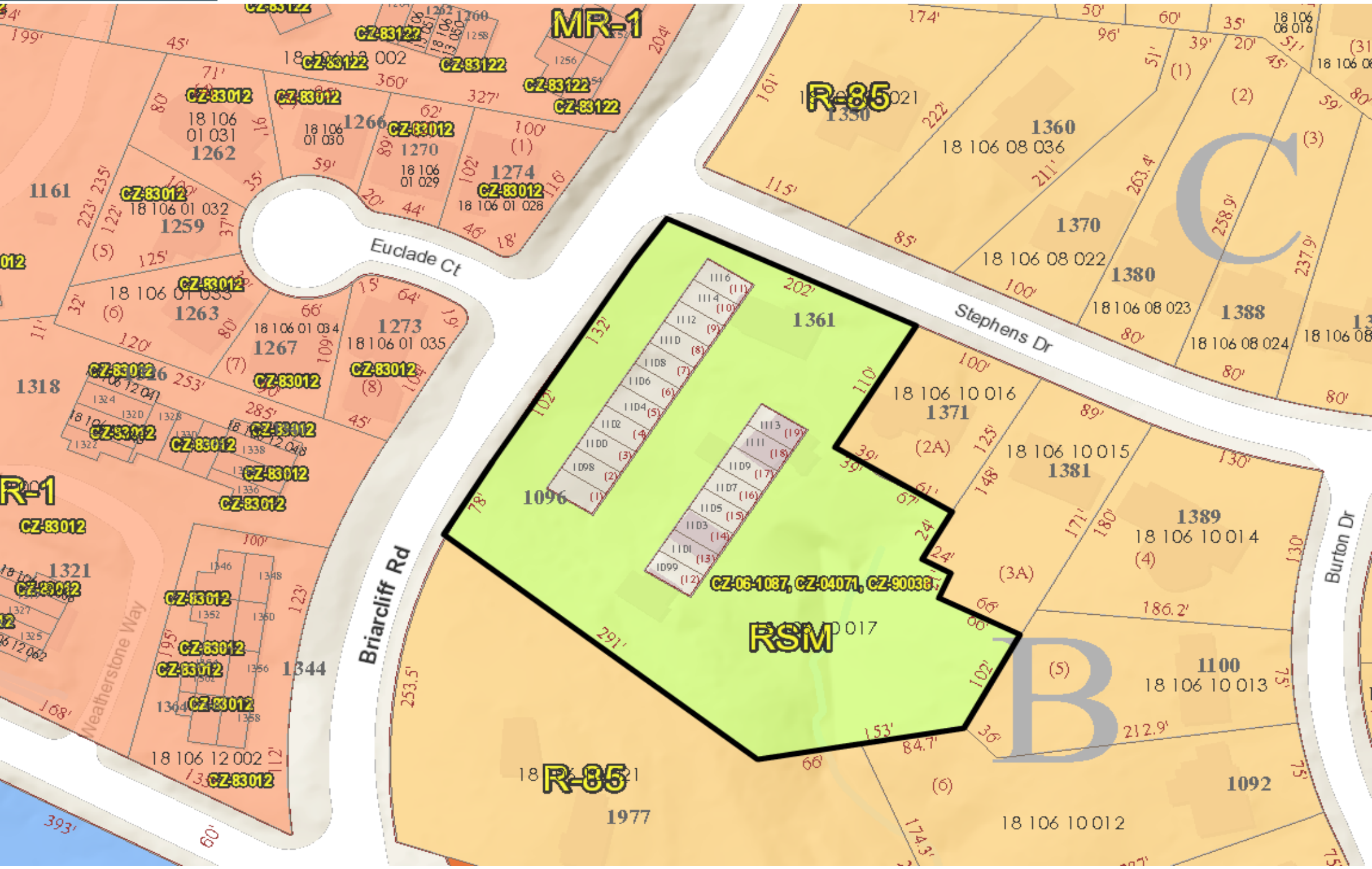
1. Proposed Site Plan (April 7, 2016)
2. Original Conditions
3. Recommended Conditions
4. Original Site Plan
5. Zoning Map
6. Land Use Map
7. Aerial Photograph

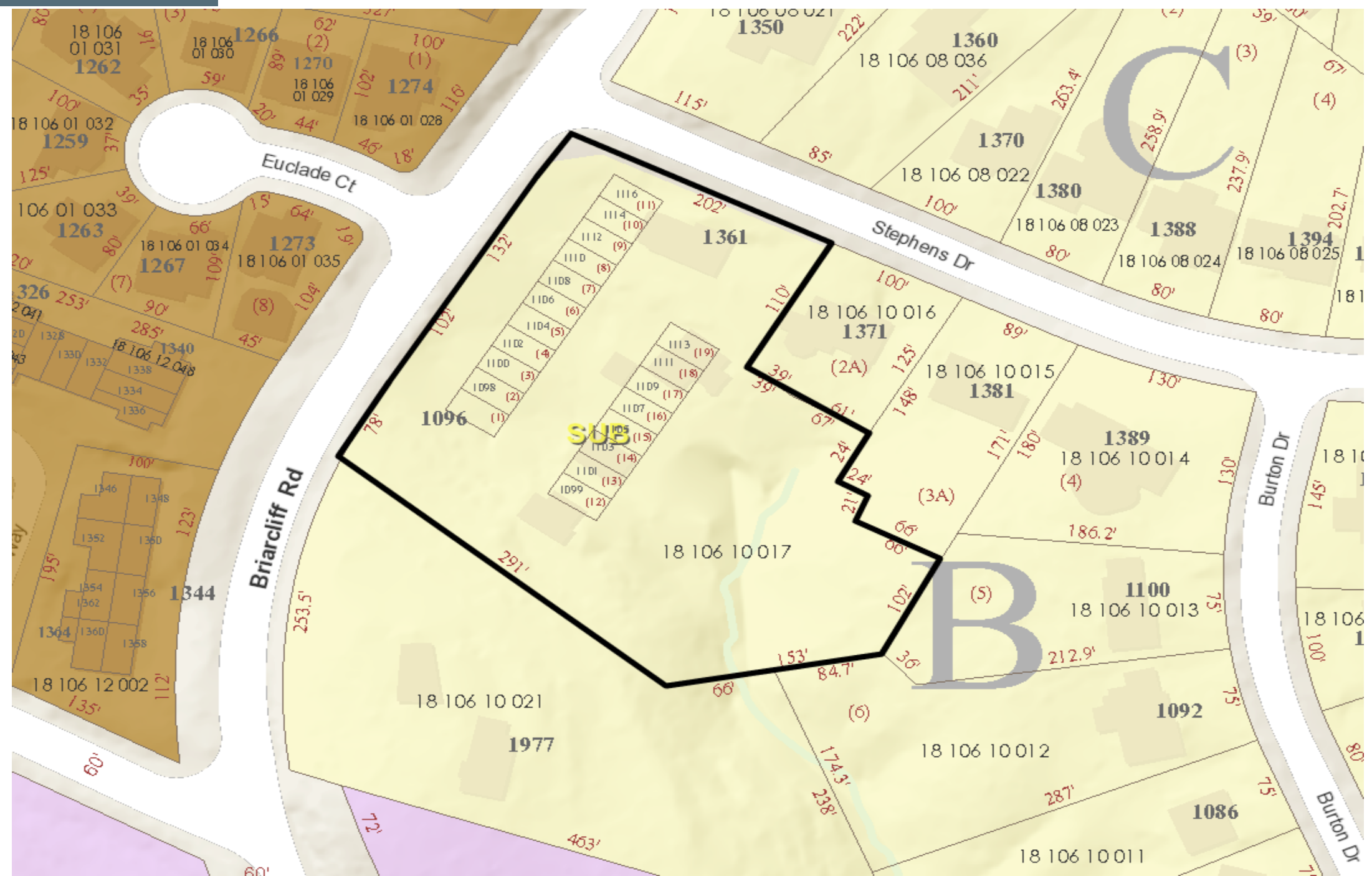
Conditions of Zoning for CZ No. 06-1087 - Application filed by Eitan Varon
(revised 05-22-06)

1. Subject to approval from the Development Department, the Subject Property will be zoned R-A8 and developed substantially in accordance with the conceptual site plan prepared by LBGM Engineering dated February 2, 2006 (the "Site Plan") and in accordance with certain hand-written road improvements dated April 19, 2006 required by John Gurbal, Director of the DeKalb County Transportation Department and further recommendations by the Transportation Department by facsimile dated ~~on same plan~~ regarding a landscaped median on Stephens Drive (hereinafter "Transportation Improvements"). Commissioner Gannon will submit Site Plan with Transportation Improvements for the record.
2. The existing driveways will be consolidated and all vehicular access to the Subject Property shall be as designed by the Transportation Improvements. Such road improvements shall include a right in/right out on Briarcliff Road with a raised median and a right in/left out on Stephens Drive with a raised island and a "NO Right Turn" sign located internal to the development at the entrance.
3. The developer shall construct a 4 foot wide and approximately 50 foot long landscaped median on Stephens Drive to be located as shown on the Transportation Improvements, which will further preclude residents from the proposed development from turning right out of the development. Exact location and length of median to be determined by DeKalb County Transportation Department, and should accommodate residents across Stephens Drive from the proposed development. Landscaping for the Stephens Drive median shall be determined after consultation with the County Arborist and the Biltmore Estates neighborhood committee. *Landscaped median must be completed before issuance of any Certificate of Occupancy.*
4. The height of any buildings on the Subject Property shall be restricted to three stories.
5. Underground utilities shall be utilized.
6. Any exterior lights shall be screened, shielded and/or shaded so as to minimize glare and the casting of light outside of the new development.
7. The front facade and sides of each building shall consist of brick, masonry stucco, stacked stone, shake, and/or other masonry products (excluding the architectural treatment of features such as gables, dormers, bay windows, fireplace chases and/or any other cantilevered areas).
8. Each townhome shall have a minimum of 2,000 square feet of heated floor space and a two car garage.
9. All open space, park space, landscaping, architectural controls and other common areas shall become the responsibility of a mandatory Homeowners' Association established by the Developer for this community.

10. A six foot opaque, decorative fence shall be installed along the southern property boundary that is shared by Mr. Homer Cheung. Additionally, a row of Leyland Cypress or other ever green trees shall be planted inside the fence to provide additional screening for Mr. Cheung.
11. In an effort to improve pedestrian access in the Biltmore Estates community, the Applicant shall install sidewalks from the Subject Property's northeast boundary line on Stephens Drive to its intersection with Biltmore Drive, subject to approval by DeKalb County *and/or property owners on Stephens Drive where no County right-of-way exists along their property where the sidewalks are proposed.*

May 28, 2006
Kathie Hanson





N. 24

CZ-18-1235133

Aerial

