



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File #: 2019-4069

9/24/2019

File Status: Preliminary Item

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): 2 & 6

Application of Elegant Homes, LLC to rezone property from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development, at 1051, 1047 & 1043 Briarcliff Road.

PETITION NO: N2. Z-19-1243376

PROPOSED USE: Three-family and single-family residential development.

LOCATION: 1051, 1047, & 1043 Briarcliff Road, Atlanta

PARCEL NOS.: 18-001-05-021, -022, & -023

INFO. CONTACT: Marian Eisenberg

PHONE NUMBER: 404-371-4922

PURPOSE:

Application of Elegant Homes, LLC to rezone property within the Druid Hills Historic District from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development consisting of urban single-family detached and three-family homes at a density of 5.3 units per acre. The property is located on the east side of Briarcliff Road, approximately 311 feet south of The By Way, at 1051, 1047, & 1043 Briarcliff Road, Atlanta. The property has approximately 240 feet of frontage along the east side of Briarcliff Road and contains 3.02 acres.

RECOMMENDATIONS:

COMMUNITY COUNCIL: DENIAL

PLANNING COMMISSION: FULL CYCLE DEFERRAL.

PLANNING STAFF: FULL CYCLE DEFERRAL.

STAFF ANALYSIS: The applicant has requested a full cycle deferral to allow time to work with Department of Planning and Sustainability staff and community representatives on the proposal and the site plan. Staff concurs with this request and recommends "Full Cycle Deferral".

PLANNING COMMISSION VOTE: Full Cycle Deferral, 9-0-0. A. Atkins moved and E. Patton seconded for a full cycle deferral, as per the staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial, 6-0-0. The Community Council thought that the proposal is not compatible with the surrounding area and the Druid Hills Historic District.



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 10, 2019, 6:30 P.M.

Board of Commissioners Hearing Date: September 24, 2019, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-19-1243376 **Agenda #:** N. 2

Location/Address: 1051, 1047, and 1043 Briarcliff Road, Atlanta **Commission District:** 2 **Super District:** 6

Parcel ID(s): 18-001-05-021 through -023

Request: Rezone property within the Druid Hills Historict District from R-85 (Residential Medium Lot-85) to RSM (Residential Small Lot Mix) to allow development of a 16-unit mixed residential development consisting of urban single-family detached and three-family homes at a density of 5.3 units per acre.

Property Owner(s): Elegant Homes, LLC

Applicant/Agent: Elegant Homes, LLC

Acreage: 3.02

Existing Land Use: Three single-family detached homes.

Surrounding Properties: To the northwest: single-family residential homes (zoned R-85); to the north: single-family residential and the Stillwood Chase condominium development (zoned MR-2); to the northeast, east, and southeast: single-family residential homes (zoned R-85); to the south: Metro City Church/Morningside Elementary School Kindergarten Center (the former Metropolitan Cathedral site)(zoned R-85); to the southwest and west: Callenwolde Art Center and Pruitt Health nursing home (zoned OI).

Comprehensive Plan: TN (Traditional Neighborhood)



Consistent



Inconsistent

Proposed Density: 5.3 units/acre	Existing Density: 1 unit/acre
Proposed Units: 16	Existing Units: 3
Proposed Lot Coverage: 40%	Existing Lot Coverage: (estimated) less than 10%

Zoning History: Based on DeKalb County records, it appears that the R-85 zoning of the property has not changed since the zoning ordinance and map of 1956. The property is located within the boundaries of the Druid Hills Local Historic District and is within the Druid Hills National Register Historic District, which was listed on the National Register of Historic Places in 1979. In 1996, the County approved the Druid Hills Historic District as a local district, adopted the Druid Hills Design Guidelines, and instituted a public hearing process for review of changes to sites and buildings in the District.

SITE AND PROJECT ANALYSIS

The subject property is a 3.02-acre tract with approximately 240 feet of frontage on the east side of Briarcliff Road, a two-way, four-lane arterial. The property is comprised of three lots that were developed with single-family homes between 1949 and 1950. The topography of the site slopes declines gradually from Briarcliff Road, then rises so that to a higher elevation in the rear half of the property. Mature trees, including many with trunks over 20 inches in diameter, are located in the front yards of all three parcels, and are densely located in the rear yards of 1047 and 1051 Briarcliff Road.

The property is located just north of the City of Atlanta boundary, approximately .7 miles north of the intersection of Briarcliff Road with Ponce de Leon Avenue, a major arterial that connects with the City of Decatur on the east and Interstate 85 on the west. The subject property is located at the western edge of a single-family residential neighborhood that was platted with large, deep lots typical of the oldest parts of the Druid Hills Historic District. The adjoining lots to the rear of the site and lots to the south of the adjoining Metro City Church property show these characteristics. Lot sizes of properties to the north of the site, up to The By Way and along the By Way to Springdale Road, are smaller although the homes on these lots are set back a considerable distance from the street, allowing space for heavy landscaping and tree cover in their front yards.

The Metro City Church/Morningside Elementary School Kindergarten Center (formerly, the Metropolitan Cathedral), constructed in 1960, adjoins the subject property to the south. The Pruitt Health nursing home is located directly across Briarcliff Road from the subject property. The Callanwolde Art Center and the Laurel Heights Hospital are located on the adjoining properties to the south of the nursing home. The Stillwood Chase condominiums are located to the northwest, across Briarcliff Road at the corner of Stillwood Drive. These properties depart from the from the predominantly single-family residential character of the Historic District.

The proposal under consideration is for a 16-unit residential development comprised of two three-family buildings and ten urban single-family detached homes. As proposed, the three-family buildings are set back from the front of the property to be consistent with the average setback of the homes located between the subject property and The By Way. The three-family buildings, which would be the most visible component of the development from the street, are designed in the Italian Renaissance style. The urban single-family detached homes are located behind the three-family buildings, laid out around a central green space. The front of the site is proposed to be enhanced open space in the form of a Green with soft-surface pedestrian paths.

As proposed, vehicular access to the units is provided by a 20-foot wide private drive that circles around the detached homes. The garage entrances to the three-family buildings are at the rear of each building. Garage entrances to the urban single-family detached units are on the sides of the units that overlook the private drive. The applicant has explained that the front doors of the single-family units face the central green space. Visitor parking is provided at the rear of the three-family units and along the portion of the private drive located closest to the adjoining Metro Church site. In addition, two visitor parking spaces are located along the southeastern portion of the private drive. A pedestrian path links the units with the existing sidewalk located along Briarcliff Road.

Access and Transportation Considerations:

The property is located approximately 80 feet south of the signalized intersection of Briarcliff Road and Stillwood Drive, a two-way local street that terminates on the west side of Briarcliff Road, and approximately 311 feet south of the intersection of Briarcliff with The By Way, a two-way local street that terminates on the east side of Briarcliff Road. A four- to five-foot sidewalk is located along Briarcliff Road. Briarcliff Road is served by the No. 6 MARTA bus route.

Compliance with District Standards:

RSM STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE		Base: 4; with bonuses: up to 8 units/acre	5.3 units/acre	Yes (allowed by density bonus)
DENSITY BONUSES		Enhanced open space $\geq 20\%$ of site for 50% bonus (+ 2 units/acre)	Enhanced open space (green at front of site and pocket park in interior) = 62% of site	Yes ??
MIN. OPEN SPACE /ENHANCED OPEN SPACE (Applicable if project is > 5 ac. or ≥ 36 d.u.s)		Not applicable; however, enhanced open space provided for density bonus.	Not applicable.	Not applicable.
MIN. LOT AREA		Not applicable; no individual lots proposed.	Not applicable.	Not applicable.
MIN. LOT WIDTH		Not applicable; no individual lots proposed.	Not applicable.	Not applicable.
MAX. LOT COVERAGE (of total parcel acreage)		Urban single-fam. detached: 70%; Two- and three-family: 50%	40%	Yes
BUILDING SETBACKS	FRONT (for overall site)	(Druid Hills Design Guidelines) Average setback – 141 feet	148 - 155 feet	Yes
	INTERIOR SIDE (for overall site)	Not applicable; superseded by required transitional buffer	Not applicable.	Not applicable.
	REAR W/O ALLEY (for overall site)	Not applicable; superseded by required transitional buffer	Not applicable.	Not applicable.
BUILDING SPACING		Min. 3 ft with fire rating or min. 7 ft. w/out fire rating & no windows (ICC Code)	8 – 25 feet	Yes
MINIMUM UNIT SIZE		Urban single-fam. detached: 1,100 s.f.; Two- and three-family: 1,000 sq. ft.	Units will meet size minimums.	Yes
MAX. BLDG. HEIGHT		Urban single-fam. detached: 3 stories or 45 ft. ; Two-family: 35 ft.	Building heights will not exceed 35 ft.	Yes
MIN. STREETSCAPE DIMENSIONS - PROPERTY FRONTAGE		(Arterials) 5-ft. landscape strip, 5-ft. sidewalk, street trees 50 ft. on center	Existing historic sidewalk with no street trees	Administrative variance is required.

RSM STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. STREETSCAPE DIMENSIONS - PRIVATE DRIVES	5-ft. landscape strip and 5-ft. sidewalk on each side; street trees for every unit, or separation of peds & autos	Pedestrian paths separate pedestrians and automobiles.	Yes
TRANSITIONAL BUFFERS	20-ft. buffer & screening fence required next to R-85 properties.	North side: 24 feet South side: 20 feet (as per proposed site plan revision) Rear: 40 feet	Yes
PARKING	Urban s-f detached – min. 2, max. 4 spaces per unit = min. 20, max. 40 Two- and three family, not including garage – min. 1 space, max. 4 spaces = min. 6, max. 24	20 garage spaces (2 per unit) 7 visitor spaces 12 garage spaces 12 visitor spaces	Yes

QUALITY OF LIFE METRICS

Open Space: 42,396 square feet (64%)

Linear Feet of New Sidewalk or Trails: information not provided.

STAFF RECOMMENDATION:

The applicant has requested a full cycle deferral to allow time to work with Department of Planning and Sustainability staff and community representatives on the proposal and the site plan. Staff concurs with this request and recommends “Full Cycle Deferral”.

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Survey (existing conditions)
6. Site Plan
7. Elevations
8. Zoning Map
9. Land Use Map/Druid Hills HD
10. Aerial View
11. Site Photos

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.

Comments – Transportation Division

N1. No customer parking on Tolbert Drive between the driveway and Frazier Rd. All parking must be on property or east of driveway on Tolbert Drive as to not interfere with the intersection of Frazier Rd at Frazier Ct/Tolbert Dr.

 N2. Briarcliff Road is SR 42. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Briarcliff Road is classified as a minor arterial. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Verify sight distance for access point prior within plan approval submittal.

N3. Owner needs to coordinate with the plans for the adjacent Kroger Shopping Center. Kroger has approval for proposed work in the right of way in front of this property to add a turn lane onto Henderson Mill Road (for the tapers). Chamblee Tucker Road and Henderson Mill Roads are both classified as minor arterials. Right of way dedication of 40 feet from centerline required. 6-foot sidewalk, bike facilities and street lights required. Bring sidewalks and header curb up to current code requirements. Only one access point allowed on each road as far away from traffic signal as possible. Provide ADA ramps for the crosswalks at signal (existing, but not shown on plan).

N4. Build sidewalks along entire frontage of Citadel Square on Memorial College Drive. Street lights required. Memorial Drive is classified as a collector. Right of way dedication required 35 feet from centerline. Bike lanes required- but if developer would install the 6' sidewalks along the entire shopping center property frontage on Memorial College Drive, I would support a variance for the bike lanes.

N5. Eastland Road is classified as a collector street. Right of way dedication of 35 from centerline required. 6 foot sidewalks, street lights and 5 foot landscape strip required. Bike lanes required. Lake Drive is classified as a local street. Must bring street up to standards- complete improvements of half the road along the frontage. Dedication 27.5 feet from centerline of right of way. 6 inch header curb, five foot sidewalks, five foot landscape strip, street lights.

N6. Flat Shoals Parkway is DR 155. GDOT review and approval of access points and right of way improvements required prior to issuance of permits. Flat Shoals Parkway is classified as a major arterial. 6-foot sidewalk, bike facilities, 50 right of way dedication, and street lights required. Only Right in/right out access point allowed. No acceleration lane. Local streets must have a 55 foot right of way, 12-foot travel lanes, 6-foot landscape strip, 5-foot sidewalk and street lights required. Verify sight distance for vehicles existing site within plan approval submittal.

N7. Coordination with GDOT's MMIP projects along I-20 required prior to permitting. Coordination with MARTA I-20 east line required prior to permitting. Bring Snapfinger Road along property frontage down to apartment driveway (Wesley Club Drive) up to current county standards (24 pavement, header curb, 5-foot sidewalk, landscape strip, and street lights). Please note that existing site plans appears to use a County owned ROW corridor (Kelly Chapel Road). Roundabout also appears to be on property owned by others. Streets beyond roundabout to be private.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MICHELLE ALEXANDER mmalexander@dekalbcountyga.gov AND/OR LASONDRA HILL
lahill@dekalbcountyga.gov

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: 043, 1047, Z-19-1243376 Parcel I.D. #: 18-001, 05-021 thru 023
Address: 1051 Bjarcliff Road
Atlanta, Ga. 30306

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) 6TH 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:

Did not see any traffic engineering concerns at this time.

Signature: Kimberly Russell



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER mmalexander@dekalbcountyga.gov OR JOHN REID jreid@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-19-1243376

Parcel I.D. #: 18-001-05-021, 18-001-05-022, & 18-001-05-023

Address: 1051, 1047, and 1043 Briarcliff Road

Atlanta, Georgia

WATER:

Size of existing water main: 6" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

MAY NEED TO UPGRADE TO 8" FOR INCREASED WATER DEMAND FOR 19 UNITS. MFO

SEWER:

Outfall Servicing Project: Peavine Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: R. M. Clayton WTF () adequate () inadequate

Sewage Capacity: * (MGPD)

Current Flow: 127 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process. *JK*

Signature: *Carl B.*

DEKALB COUNTY

Board of Health

8/15/2019

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

DeKalb County Board of Health

404.508.7900 • www.dekalbhealth.net

8/15/2019

N.1

SLUP-19-1243346/18-145-05-015

1513 Frazier Road, Decatur, GA 30333

☐ Amendment

- Please review comments.



N.2

Z-19-1243376 2019-4069 18-001-05-021, 18-001-5-022, 18-001-05-023

1051, 1047 & 1043 Braircliff Road, Atlanta, GA 30306

☐ Amendment

- Please review comments.

N.3

SLPU-19-1243377 2019-4070 19-285-02-009

3645 Chamblee Tucker Road, Chamblee, GA 30341

☐ Amendment

- Please review comments.

N.4

Z-19-1243380 2019-4071 18-043-01-026

5100 Memorial Drive, Decatur, GA

☐ Amendment

- Please review comments.

**DeKalb County School District
Development Review Comments**

Analysis Date: 8/16/2019

Submitted to: DeKalb County

Case #: Z-19-1243376

Parcel #: 18-001-05-021/-022/-023

Name of Development: 1051, 1047 & 1043 Briarcliff Road
Location: Briarcliff Road near the by-way

Description: Proposed 16-unit development with a mix of attached and detached units.

Impact of Development: When fully constructed, this development would be expected to house 3 students: 1 at Fernbank ES, and 2 in private school. All three neighborhood schools have capacity for additional students.

Current Condition of Schools	Fernbank ES	Druid Hills MS	Druid Hills HS	Other DCSD Schools	Private Schools	Total
Capacity	950	1,182	1,405			
Portables	0	0	0			
Enrollment (Fcst. Oct. 2019)	790	949	1,388			
Seats Available	160	233	17			
Utilization (%)	83.2%	80.3%	98.8%			
New students from development	1	0	0	0	2	3

New Enrollment	791	949	1,388
New Seats Available	159	233	17
New Utilization	83.3%	80.3%	98.8%

Yield Rates	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.0608	0.0073	0.0853	0.1534
Middle	0.0146	0.0005	0.0325	0.0476
High	0.0276	0.0051	0.0390	0.0716
Total	0.1030	0.0129	0.1568	0.2726

Student Calculations

Proposed Units	10
Unit Type	SF/TH
Cluster	Druid Hills HS

Units x Yield	Attend Home School	Attend other DCSD School	Private School	Total
Elementary	0.61	0.07	0.85	1.53
Middle	0.15	0.00	0.32	0.47
High	0.28	0.05	0.39	0.72
Total	1.04	0.12	1.56	2.72

Anticipated Students	Attend Home School	Attend other DCSD School	Private School	Total
Fernbank ES	1	0	1	2
Druid Hills MS	0	0	0	0
Druid Hills HS	0	0	1	1
Total	1	0	2	3



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director

APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

JUL 03 2019

Z/CZ No. 2-19-1243376
Filing Fee: _____

Date Received: _____ Application No.: _____

Applicant: Elegant Homes, LLC E-Mail: amir@useliteestates.com

Applicant Mailing Address: 2870 Peachtree Road, No. 342 Atlanta GA 30305

Applicant Phone: 678.517.2799 Fax: N/A

Owner(s): Elegant Homes, LLC E-Mail: amir@useliteestates.com
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: 2870 Peachtree Road, No. 342 Atlanta GA 30305

Owner(s) Phone: 678.517.2799 Fax: n/a

Address/Location of Subject Property: 1051, 1047, 1043 Briarcliff Road

District(s): 18th Land Lot(s): 001 Block: _____ Parcel(s): 18-001-05-021;022;023

Acreage: 3.02 Commission District(s): 2.6

Present Zoning Category: R-85 Proposed Zoning Category: RSM

Present Land Use Category: TN

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? _____ Yes X No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

SIGNATURE OF APPLICANT / DATE

Check One: Owner X Agent _____

EXPIRATION DATE / SEAL

330 West Ponce de Leon Avenue – Suites 100-500 – Decatur, Georgia – 30030
[voice] 404.371.2155 – [Planning Fax] (404) 371-4555 [Development Fax] (404) 371-3007
Web Address <http://www.dekalbcountyga.gov/planning>
Email Address planninganddevelopment@dekalbcountyga.gov



Public Notice

To

Request for Rezoning

Filed by: Elegant Homes

Located at: 1051, 1047, 1043 Briarcliff Road NE

Atlanta, Georgia 30306

Current Zoning: R-85, Traditional Neighborhood

Proposed Zoning: RSM, Traditional Neighborhood

Overview: Applicant proposes to rezone three properties off Briarcliff Road for a single family development. The development will be comprised of single family attached and detached product designed to respect the Druid Hills historic district. Please join us at the community meeting to view the proposed plan. Project designers will be available to address any questions or concerns.

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: St. John's Lutheran Church

Location: 1410 Ponce de Leon Avenue, NE

Atlanta, GA 30307

Date & Time: June 27, 2019 at 7pm

MEETING SIGN-IN SHEET

Project: 1051, 1047, 1043 Briarcliff Rd. Meeting Date: 6/27/2019
 Facilitator: Ryan S. (TSW) Location: St. John's Lutheran

Name	Address	Phone	E-Mail
Hannah Shaw	1161 THE BY WAY NE	678 5122942	HSHAW17@GMAIL.COM
Kate David	1067 Briarcliff Road NE	404-729-4446	Katedavid@gmail.com
Allen Ballou	324 S. Edwards Ave	755/9000	allballou@gmail.com
Kevin Sullivan	1065 Briarcliff Rd NE	908-246-3571	sullikts@gmail.com
Melanie Pinkerton	1193 The By Way NE	404-461-1443	pinkertonml@yahoo.com
Malissa Peace	1066 Briarcliff Rd NE	404-512-4160	mpeace45@gmail.com
Briley Brisendine	956 SPRINGDALE	678-429-3460	bbrisendine@sitone.com brileybrisendine@gmail.com
Elena Parent	"	404-229-9596	elena.parent@gmail.com
→ Marshall Orson	970 Springdale	404-621-3205	morsone@mail.com
Peggy Orson	"	404-275-7654	peggy.orson@wellstar.com



Briarcliff Road Site – Letter of Application

June 28, 2019

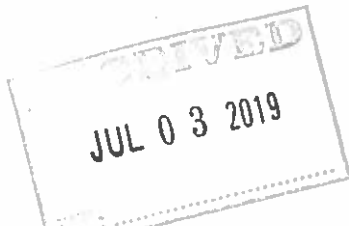
REZONING

Applicant proposes to rezone three properties off Briarcliff Road for a single family development. The development will enable a mix of single family attached and detached housing options designed to respect the Druid Hills historic district.

- a) **Proposed zoning classification:** RSW
- b) **Reason for the rezoning:** to enable a mix of single family attached and detached housing options.
- c) **Existing and proposed use of the property:** Currently the property is zoned R-85 with a Traditional Neighborhood future land use designation. The site consist of three existing single family detached units that are unoccupied. Upon successful rezoning to RSM, it is proposed a mix of attached and detached product will be developed as illustrated on the site plan; providing housing options not currently available in this area. The proposed units (as seen on the site plan) will be designed and constructed with quality materials respecting the Druid Hills Historic District.
- d) **Detailed characteristics of the proposed use** (e.g. floor area, height of building(s), number of units, mix of unit types):
 - a. **Floor Area:** each unit will be greater than 1,200sf
 - b. **Height of Buildings:** TTF will not exceed 35'; U-SF will not exceed 45'
 - c. **Number of Units:** 19
 - d. **Unit Mix:** urban single family attached/ detached; two/three family
- e) **Statement of conditions discussed with the neighborhood or community:** A Pre-Submittal Community Meeting was held on June 27, 2019 at St. John's Lutheran Church. Applicant is reviewing comments received at the meeting; no conditions have been presented at this time.

Attached as Exhibit A, please find a rendering of the proposed development.





Briarcliff Road Site – Impact Analysis

June 28, 2019

Section 27-7.3.5. 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.
 - a. The DeKalb County Comprehensive Plan's 2035 Future Land Use Map currently list the property as Traditional Neighborhood (TN). All other properties on the block are also listed as TN. This rezoning request does not conflict with the 2035 Future Land Use 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.
 - a. The zoning proposal will not adversely affect existing developments or reduce the usability of existing developments. This section of the Briarcliff corridor is a mix of single family detached, townhouse, multifamily (condo/rental), healthcare providers, and institutions (both cultural and religious). The proposed mix of attached and detached housing options does not conflict with the eclectic mix of uses currently found on adjacent and nearby properties.
- C) Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned.
 - a. The proposed plan provides optimal economic use for the property while keeping with the 2035 Future Land Use Map. The property is currently comprised of three vacant single family detached units that require costly lead and mold abatement. The units sit on 80' wide lots that vary in depth from approximately 525' to 550'. It would be impracticable to renovate the units to meet the expected standards of the Druid Hills homebuyer. Additionally, the depth of the lots are not conducive to the existing small midcentury units. It appears the existing units are "infill" housing; placed in an area originally intended for houses with greater frontage on Briarcliff Road. The existing long rectangular parcels are inefficient and prevent a reasonable economic use for the land.
- D) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby properties.
 - a. No properties nearby will be affected by the rezoning of the property to RSM. The area currently has a mix of zoning designation including RSM, OI, R-85(existing), and MR-2 along this section of the Briarcliff corridor.
- 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.

- a. The property has always functioned as residential. The rezoning of the property would allow for greater flexibility in housing options along this corridor.
- F) Where the zoning proposal will adversely affect historic building, sites, district, or archaeological resources.
 - a. The zoning proposal is within the Druid Hills Historic District. The proposed site plan has been organized so to respect the corridor by placing two structures at the front of the property. Each structure will be designed to appear as traditional single family detached house, in keeping with the historic district, containing three dwelling units each. Additional units are organized behind the two main structures so to not directly affect the view shed of the Briarcliff corridor. The property has three existing units that are not within the 1895-1941 period of significance for the historic district. The existing units appear to be infill houses developed on vacant lots around 1950.
- 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.
 - a. The proposed plan is expected to appeal to "empty nesters" who wish to downsize and stay within the Druid Hills neighborhood. This proposal is not expected to cause excessive burdensome on schools or transportation facilities. Due to the density increase an impact on existing streets will be created, but the impact should not be concentrated excessive of burdensome.
- H) Whether the zoning proposal adversely impacts the environment or surrounding natural resources.
 - a. No streams or wetlands are on the property in question. As part of the proposed development, the landscaping and drainage on the property will be improved. The applicant understands stormwater runoff maybe be a concern of neighboring properties and will provide adequate engineering during the design process to avoid any unwarranted runoff.



APPLICATION OF ELEGANT HOMES, LLC,
TO AMEND THE OFFICIAL ZONING
MAP OF DEKALB COUNTY, GEORGIA

COMES NOW Timothy and Lynn Baxter ("The Baxters"), and file this Opposition to the Application Of Elegant Homes, LLC To Amend The Official Zoning Map Of DeKalb County, Georgia (the "Application"), respectfully show as follows:

- 1 -

6. If EM is successful, the EM Properties would transition from the least dense zoning designation in Druid Hills (R-85) to a designation (RSM) that would permit 12 units per acre.

7. Rezoning of single family residential lots to this level of density (including multi-family units) in the Druid Hills Historic District sets a terrible precedent, and is, in fact, unprecedented; it has never been done.

8. The Application is the very definition of "spot zoning," i.e., a markedly different zoning for a parcel of land within a larger zoned area, but where that different zone is at odds with a municipality's master plan and current zoning restrictions. See, e.g., *East Lands, Inc. v. Floyd County*, 244 Ga. 761 (1979).

9. The denser uses on the West Side of Briarcliff - on which the Application is based - is irrelevant to support EH's position.

10. When the Druid Hills Local Historic District was created, the uses on the West Side were already established, but the decision was made to preserve the historic character of the neighborhood by a R-85 designation beginning on the East Side of Briarcliff that continues further East.

11. A primary goal of the Historic District's zoning is to prevent further degradation of the neighborhood's historic character. Stated another way, the Historic District was created for a reason: to protect the character of Druid Hills as designed by Frederick Law Olmsted - a peaceful residential neighborhood set in harmony with the natural landscape. The zoning scheme's density and lot sizes were selected to further this aim. If developers such as EH are permitted to start chipping away at the configuration of the Historic District, the historic designation will serve no purpose.

12. The Design Manual specifically addresses, in several places, the issues raised by the Application. For example, with respect to why non-historic properties are included within the Historic District, the Design Manual states:

One of the primary reasons for designating historic districts is to protect the historic character and integrity of the **district as a whole**. Selectively deleting non historic properties from boundaries would create a "Swiss cheese" effect (emphasis in original).

Design Manual at Appendices, p. ix.

13. In addition, the Design Manual states:

Intrusions (that is, areas with a high concentration of nonhistoric development) within the core area are included **because of their potential to impact surrounding historic properties and the district as a whole** (emphasis added).

14. Section 9.1 of the Design Manual, "Original Subdivision Forms" also states:

The historic layout of the neighborhoods and subdivisions, located within the Druid Hills Local Historic District, has created the physical framework for the district. This layout, created originally by Frederick Law Olmsted, Sr., has definable characteristics that have been replicated in more recent development plats by later designers. These plans guided the configuration of streets, public open spaces, and private lots. **The original layout creates a historical context for the district. The cumulative effect of alterations to this layout would destroy this context.** (emphasis added).

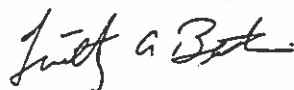
15. There have been earlier attempts to rezone a residential stretch of Briarcliff to medium density. In 1997, the owner of the historic home at 957 Briarcliff Road, a Ms. Gloria Tencio, sought a zoning variance to permit apartments within the house. The DeKalb Board of Commissioners ruled against Mrs. Tencio, and she appealed that decision to the DeKalb County Superior Court. Mrs. Tencio's suit was eventually dismissed.

16. Contrary to EP's statements, there is more than sufficient housing stock available for people who want to remain in or near the neighborhood and yet live in a smaller footprint. Some examples including new multifamily units at Ponce and Briarcliff in the United Methodist Church, multifamily units Briarcliff north of Ponce to the Atlanta City Line, units presently under construction at Virginia Avenue and Briarcliff (City of Atlanta), and the historic apartments on the West Side of Briarcliff just north of the By-Way.

17. Traffic on Briarcliff Road is already very difficult. Local residents note the terrible late afternoon /evening traffic on Briarcliff, Springdale, Oakdale, and Lullwater heading south, making it impossible difficult to cross Ponce at that time of day. North Decatur East of Briarcliff on into Emory Village is also frequently "clogged."

WHEREFORE, and for all of the foregoing reasons, Timothy and Lynn Baxter respectfully request that the DeKalb County Historical Commission recommend denial of the Application of Elegant Homes, LLC To Amend The Official Zoning Map.

Respectfull submitted this 16th day of August, 2019



Timothy Baxter



Lynn Baxter

939 Briarcliff Rd., NE
Atlanta, GA 30306-4664

Furman, Melora L.

From: Furman, Melora L.
Sent: Monday, August 19, 2019 5:18 PM
To: Furman, Melora L.
Subject: FW: 1043 Briarcliff Rd rezoning

From: Christopher Liggett <cristofer53@att.net>
Sent: Sunday, August 18, 2019 1:41 PM
To: Cullison, David <dccullis@dekalbcountyga.gov>
Subject: 1043 Briarcliff Rd rezoning

**** WARNING: The sender of this email could not be validated and may not match the person in the "From" field. ****

Mr. Cullison,

I am writing to support the application for rezoning of the properties at 1043, 1047, and 1051 Briarcliff Road, owned by Elegant Homes, LLC. I live in the Druid Hills neighborhood and am a member of the Druid Hills Civic Association, however, I am submitting these comments as a private citizen. I have noted the opposition raised in response to the application for rezoning, and I feel it makes some misleading and inaccurate statements.

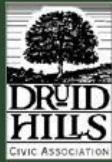
Opponents rely on the fact that the subject properties lie in the Druid Hills Local Historic District, and that therefore the R-85 zoning must be preserved. They claim that a rezoning to higher density has never been done before. I am dubious of both these claims. Simply looking at the DeKalb County Parcel Viewer map (<http://maps.dekalbcountyga.gov/parcel/>) shows that there are many areas along the east side of Briarcliff Road between Ponce deLeon Avenue and North Decatur Road where higher density has been permitted. I don't know for certain if the higher density development preceded or followed the designation of the local historic district, but in either case, they exist, and they do not, in my opinion, create a "Swiss cheese" effect, as mentioned in the Druid Hills Historic District Design Manual (Appendices, p. ix).

I call your attention to the properties at 811 Briarcliff Road (Virginia Park Townhomes), 0 Briarcliff Road (The Residences at Lullwater Park, and Highland Hall Condominiums), 891 Briarcliff Road (Virginia Place Townhomes), and 1231 Oak Park Drive (Oak Park Homeowners Association). These are all clear examples of higher density zoning that sit unobtrusively along the edge of the Druid Hills neighborhood. Given that they are all accessed from Briarcliff Road, they have virtually no ability to create negative impacts to the single-family properties behind them.

Further north are the houses along Cameron Court, and in the wedge bordered by Briarcliff Road and Briardale Lane (and extending to the other side of Briardale Lane). These properties are nominally zoned as R-85, but some of the lots are less than 85' of frontage, some as narrow as 45' (the Elegant Homes properties are all 80' wide). The acreages in the Briardale area average about .31 acres, and the lots in Cameron Court are as small as .18 acres. So there are many examples of higher-density development in existence along the east side of Briarcliff Road. The proposal from Elegant Homes is not out of line with these prior examples, and should not be rejected on the basis of increased density.

Please evaluate this proposal for rezoning on its merits and in the context of other properties along Briarcliff Road. The aerial view site plan that I have seen shows a setback from Briarcliff Road equal to other properties along the street, and the rear setback is exceeded, in fact it is doubled. Issues of design aesthetics can be reviewed by the Historic Preservation Commission, but the zoning issue should be resolved in favor of the applicant.

Thank you for your consideration,



DRUID HILLS CIVIC ASSOCIATION

September 6, 2019

DeKalb County Planning Commission
1300 Commerce Drive
Decatur, GA 30030

Re: Rezoning Application Z-19-1243376
1043,1047 & 1051 Briarcliff Road

Ladies & Gentlemen,

The Druid Hills Civic Association opposes this application (currently on the Commission's September 10th agenda) which would permit Elegant Homes, LLC to combine three (3) single family lots within the Druid Hills Historic District into a 16 unit condominium development by rezoning the lots from R-85 to RSM.

We oppose this attempted rezoning because it constitutes an obvious case of "spot zoning" at its worst. The properties along the east side of Briarcliff Road are uniformly zoned, as they have been since DeKalb's zoning regulations, as R-85, single family residential. (See attached chart). Allowing these lots to be converted to a more dense residential use would likely start a process by which other lots near it would seek and obtain rezonings for more intensive residential uses.

More importantly, these lots are in the County's Druid Hills Historic District and subject to its regulations, many of which seek to preserve the original platting of all the properties within the Historic District.

Equally important is the fact there has been no showing that it is infeasible to either maintain or redevelop these lots as single family homes. There are a number of homes along both sides of Briarcliff Rd. that have recently been substantially renovated as single family homes or replaced with homes of significant value.

The Druid Hills Civic Association's Board recently voted unanimously to oppose this development. On August 13th the Community Council UNANIMOUSLY recommended the denial of this application. The matter was deferred at the request of the applicant from the Historic Preservation Commission's August calendar. We understand that the applicant, Elegant Homes, has now retained counsel and intends to seek a continuance of this matter. We would oppose that request in that the facts and circumstances of this application have not changed and there is no need to defer consideration of this application.

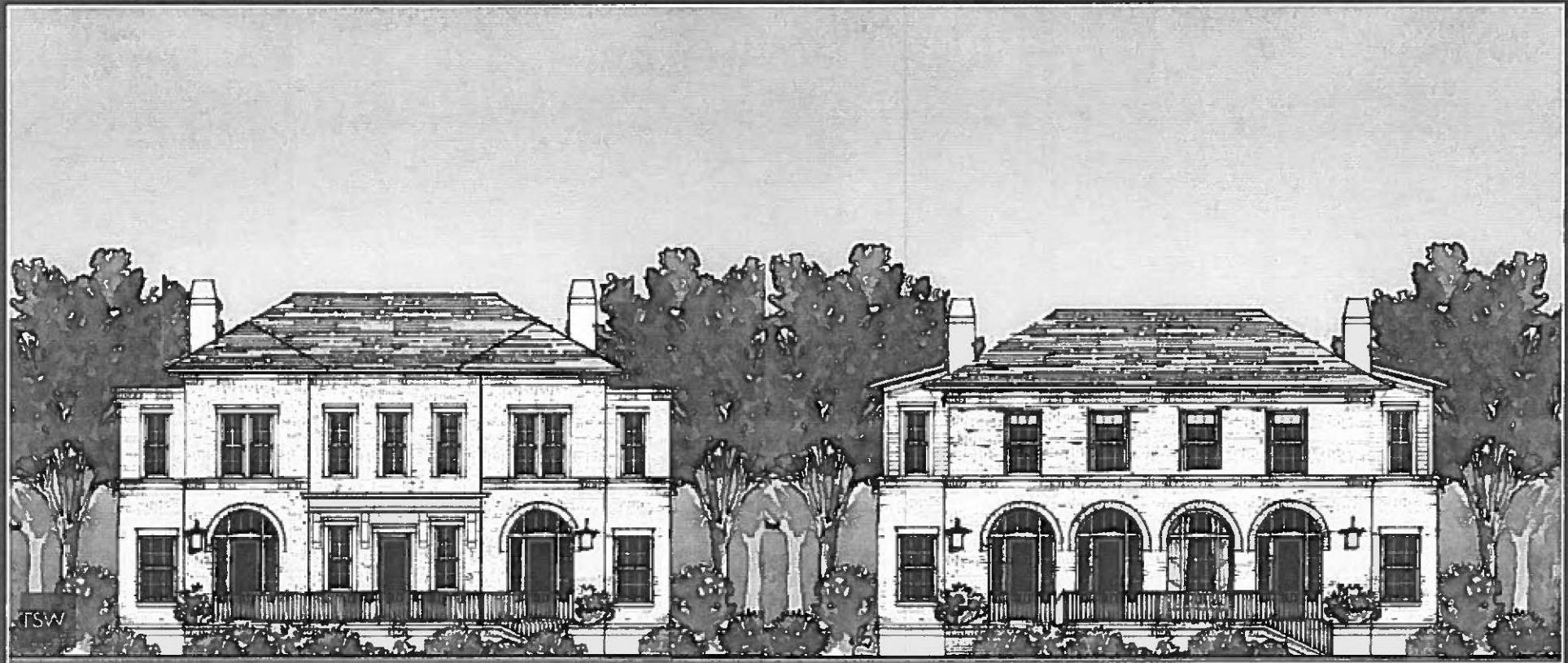
For the reasons set forth above the Druid Hills Civic Association's request that this application be denied.

Kit Eisterhold

President, Druid Hills Civic Association

cc: Mr. Andrew A. Baker, Director
encl.





Elevation Study

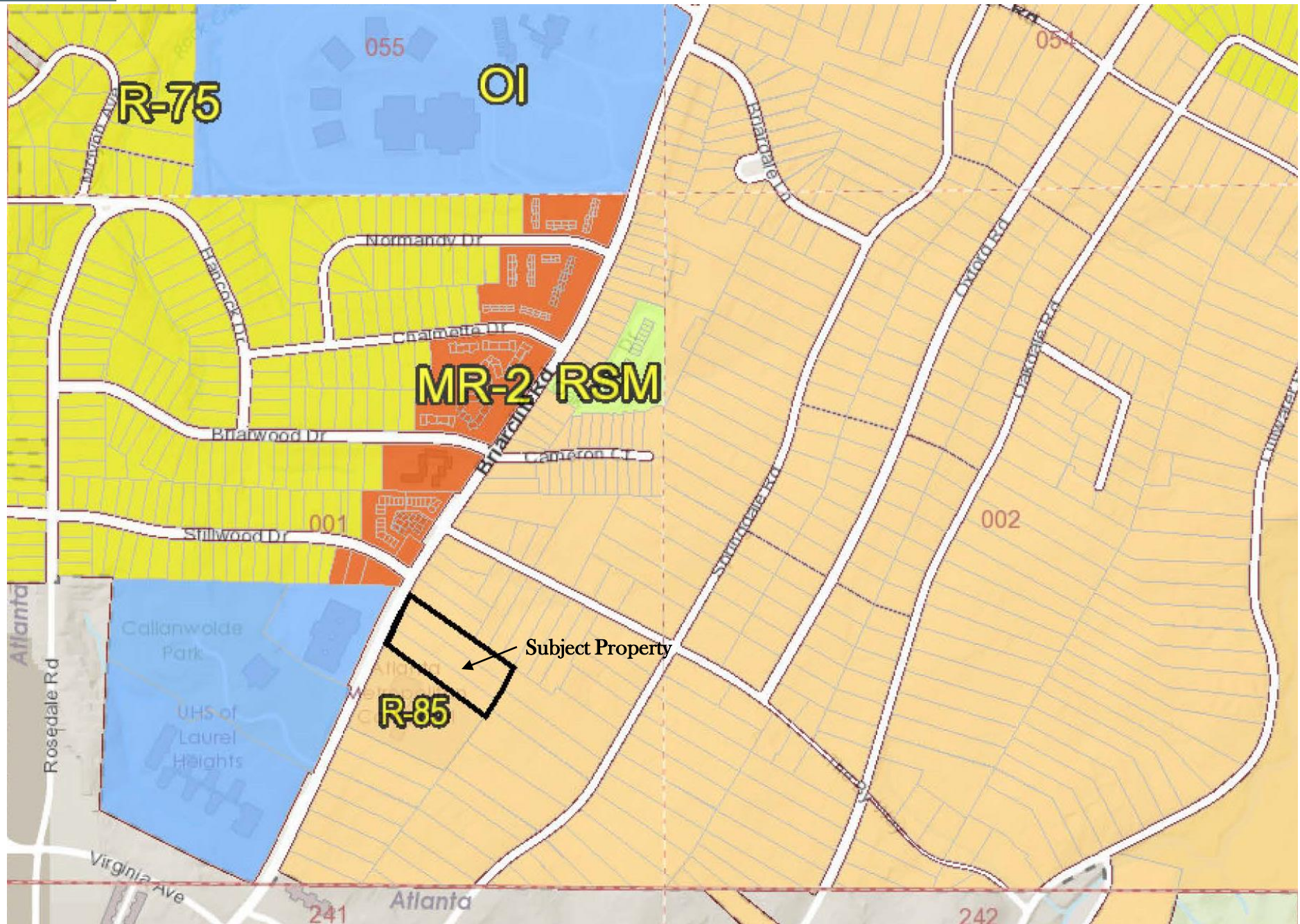
Looking at units 1-6 facing Briarcliff Road

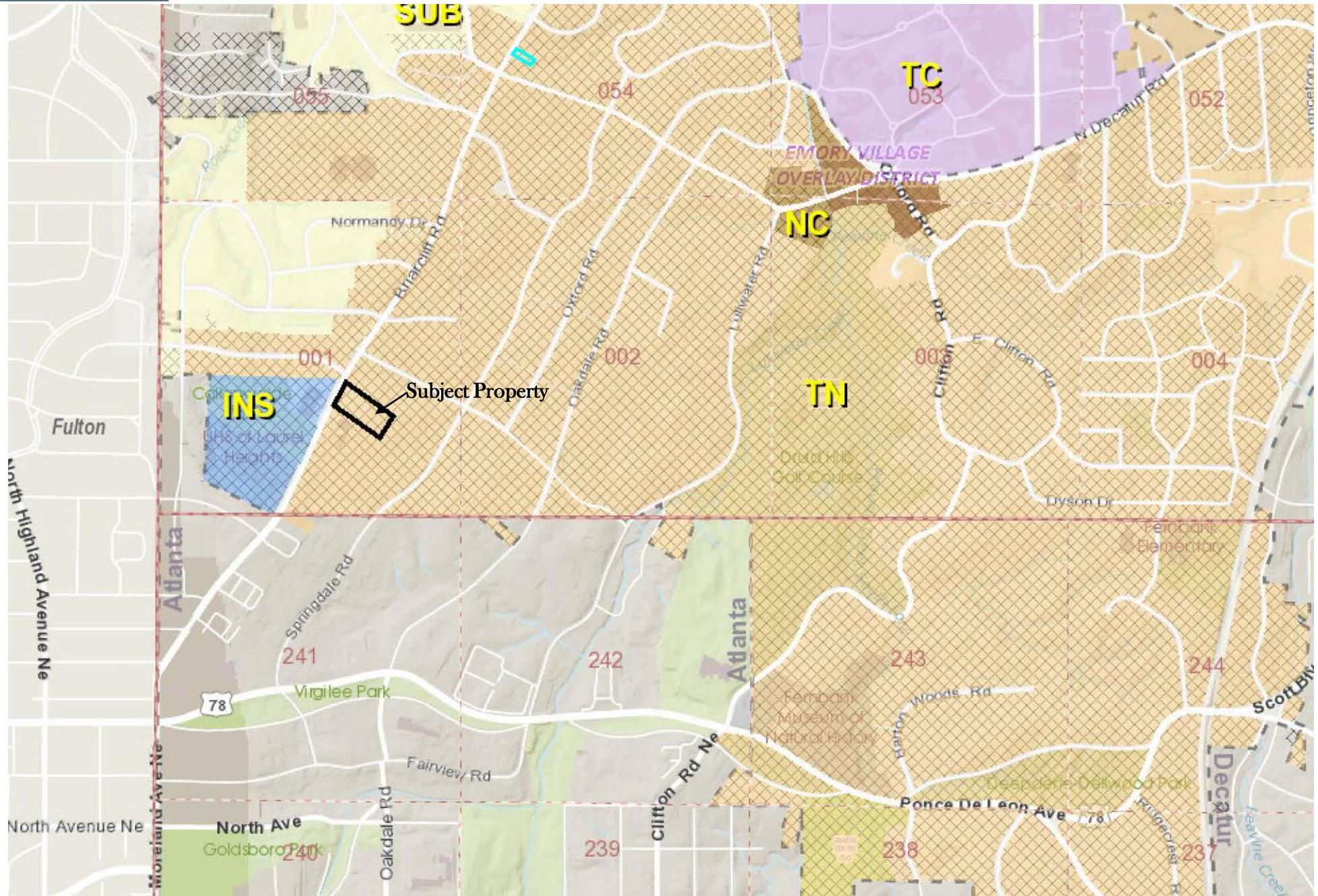
for: Elegant Homes, LLC

by: TSW

07/03/2019

TSW
PLANNING
ARCHITECTURE
LANDSCAPE ARCHITECTURE









Views of Briarcliff Road, looking northward from Metro Church site.





(left) 1043 Briarcliff Road and Metro Church/Kindergarten

(right) 1047 and 1051 Briarcliff Road

