



## PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Meeting Date: April 16, 2020

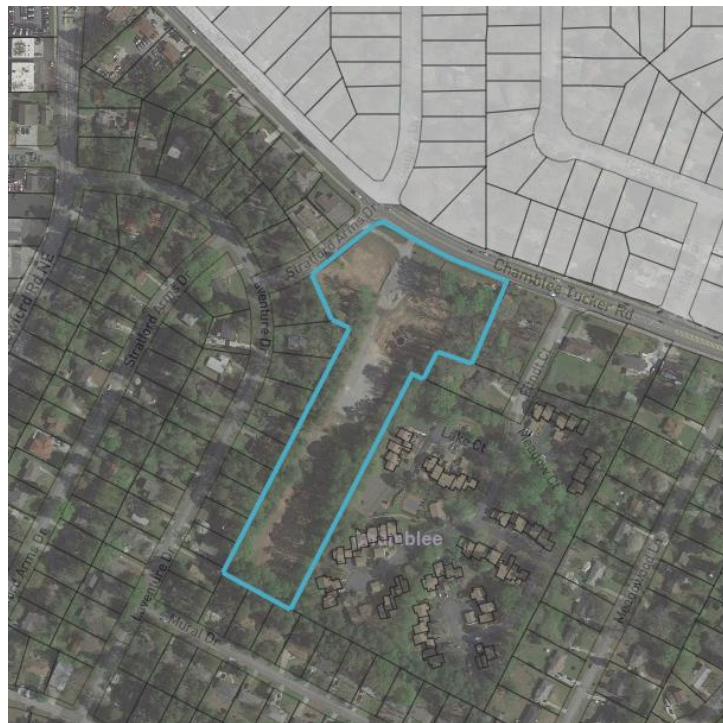
Item #: PZ2020-605

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### DCI Major Modification – Avalon Townhomes

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**Project Name:** Avalon Townhomes  
**Applicant:** Fred Milani  
**Owner:** MLH Homes  
**Proposed Development:** Construction of 46 townhomes  
**Requests:** Major Modification of a Development of Community Impact (DCI); one concurrent waiver  
**Site Address:** 3229 Stratford Arms Drive (fka 2605 Chamblee Tucker Road)  
**Parcel Number:** 18 281 03 019  
**Staff Recommendation:** **DENIAL** of Major Modification to DCI and concurrent waiver



Case Number: PZ2020-605  
DRB Meeting: April 1, 2020  
City Council Work Session (public hearing): April 16, 2020  
City Council Meeting: April 21, 2020

**Current Zoning:** Village Residential - This zoning district is intended primarily for single-family attached and detached residences, two-family residences, and multifamily residences with related accessory uses, supportive nonresidential uses, open space, and amenities.

**Current Uses:** Vacant lot in the land development stage

**Surrounding Land Uses:** North – Unincorporated DeKalb County: Residential  
South – NR-1: Single- family residential  
East – VR: Single-family attached residential  
West – NR-1: Single-family residential; NC-1: Vacant commercial

**Character Area and Future Land Use Map:**

The property is located within the Established Residential character area of the Character Area Map in the Comprehensive Plan. The vision of the character area is to: *“remain predominantly single-family residential areas of well-maintained housing supported by nearby commercial areas for goods and services, schools, and local parks for recreation.”* Land uses recommended for this area include: *“low and medium-density residential, neighborhood-level commercial retail, parks and recreation, public/ institutional uses; and utilities.”* The Future Land Use Map recommends single-family attached housing or multi-family housing with 6-19 units per acre.

**Site Description:**

The site is 6.547 acres and previously contained a church and two single-family homes. The property is located at the southeast corner of the intersection of Chamblee Tucker Road and Stratford Arms Drive and is bordered by townhomes to the east and several single-family homes to the north, south and west. There is also a vacant commercial building to the west that is currently being renovated.

**History of Property:**

This project received approval of an Official Zoning Map Amendment (2015Z-07) that changed the zoning designation from NR-1 to VR and a PUD (2015PUD-11) for a 46-unit townhome development in 2016. The applicant has applied for a major modification to the approved PUD, 2015PUD-11, to amend condition number 14 of approval that states: *“All new utilities shall be underground as well as existing utilities along the project frontage of Chamblee Tucker Road and Stratford Arms Drive if permitted by GA Power.”* The applicant, on February 10, 2020, provided Staff with a recent Non-Binding Cost Estimate from GA Power pricing the underground utility conversion at \$387,000. That estimate is for Ga Power work only and does not include other overhead utility lines that may be on the poles such as the transmission lines along Chamblee Tucker Road. In addition to removing the condition of approval, to not bury the utilities in the right-of-way requires a waiver be granted by Mayor and City Council.

The applicant, in the letter of intent, mentions adding and removing some retaining walls, however, they have not provided a site plan showing the proposed changes. If any changes to retaining walls later require a variance, it will trigger another major modification. The applicant is working to sell this property to another developer.

### **Summary of Proposed Project:**

A summary of the project is as follows:

- Construct 46 townhomes with street frontage homes along Chamblee Tucker Road.
- Construct a large promenade with a connected civic plaza, formal lawn, amphitheater, outdoor fireplace, dog walk area, cabana, bocce ball court, walkways and active lawn areas.
- Install all required streetscape in the public right-of-way.

The applicant does not propose to bury any of the distribution lines nor the transmission lines along Chamblee Tucker Road.

### **DCI Review and Approval Criteria:**

The following review and approval criteria, described in Sec. 280-24, must be used in reviewing and taking action on all DCI applications:

**1. Design shall be in harmony with the general character of the neighborhood and surrounding area, considering factors such as mass, placement, height, changing land use patterns, and consistency of exterior architectural treatment, especially in areas of historic and special design interest.**

*The design is in harmony with the general character of the neighborhood and surrounding area. The property is currently undergoing land development for the construction of a 46-unit townhome subdivision. The site is bordered by townhomes to the east and several single-family homes to the north, south and west. The townhome development is consistent with the Future Land Use Map recommendation of 6 to 19 single-family attached housing units per acre.*

**2. Design components shall be planned such that they are physically and aesthetically related and coordinated with other elements of the project and surrounding environment to ensure visual continuity of design.**

*Design components consist of eight buildings of single-family attached units and their facades, fenestration, landscaping, and streetscape. There is also a free-standing mail kiosk and cabana building along a landscaped open space with a dog park, firepit, cabana and bocce ball court. Each of these components is physically and aesthetically related and coordinated with other*

elements of the project and surrounding environment to ensure visual continuity of design. The external street frontages will also be provided with decorative fencing and entry features.

**3. Design shall protect scenic views, particularly those of open space, and utilize natural features of the site.**

*There are no scenic views to protect. The existing site is a vacant construction site. Further, the development will have green and amenity space that will equal to 34.7% of the site and will include landscaping and amenities.*

**4. Design shall protect adjacent properties from negative visual and functional impacts.**

*Aside from the negative visual impacts that not burying the existing utilities in the right-of-way would have, there are no other elements that would create negative visual or functional impacts for adjacent properties proposed. The development is proposing to install a 30-foot landscaped buffer and 6-foot solid wooden fence along property lines adjacent to the property zoned NR-1.*

**5. Design shall respect the historical character of the immediate area as integral parts of community life in the City and shall protect and preserve structures and spaces which provide a significant link within these areas.**

*There is no significant historical character to the immediate area.*

**6. All exterior forms, attached to buildings or not, shall be in conformity with, and secondary to, the building.**

*The only exterior form other than the townhouses themselves would be the mail kiosk and small cabana. These structures appear to be in conformity with and secondary to the townhomes.*

**7. The proposed development is suitable in view of the use and development of adjacent and nearby property.**

*The proposed development is suitable in view of the use and development of adjacent and nearby property. This site is currently an active construction site and the project, once completed, will serve as a transitional land use between the existing adjacent single-family detached residential neighborhood and higher intensity uses along Chamblee Tucker Rd. Adjacent property to the southeast consists of Meadow Creek Condominiums zoned VR. The proposed density and design of the Avalon Townhome development is compatible with the use and development of adjacent VR property. The single-family detached homes to the west are proposed to be separated from this property by a 30-foot landscaped buffer.*

**8. The proposed development does not adversely affect the existing use or usability of adjacent or nearby property.**

*The proposed development does not adversely affect the existing use or usability of adjacent or nearby property. The proposed townhouse development would enhance the existing use and usability of adjacent and nearby property compared to what exists currently. Not burying the utilities would not impact the use or usability of adjacent or nearby properties.*

**9. The proposed development does not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

*The proposed use is not expected to have an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

**10. The proposed development is in conformance with the applicable zoning district.**

*The proposed development is in conformance with the applicable zoning district. The Village Residential zoning district is intended for single-family attached residences with related accessory uses, supportive nonresidential uses, open space, and amenities, which is consistent with the proposed development.*

**11. The proposed development is in conformance with the provisions of the future development plan articulated in the City's Comprehensive Plan.**

*The proposed development is in conformance with the provisions of the future development plan articulated in the City's Comprehensive Plan. The applicant is proposing to develop a 46-townhome subdivision. This is in line with the Established Residential character area which vision is to "remain predominantly single-family residential areas of well-maintained housing supported by nearby commercial areas for goods and services, schools, and local parks for recreation." It also aligns with the Future Land Use Map which recommends single-family attached housing or multi-family housing with 6 to 19 units per acre.*

*However, the applicant's request to not bury the existing overhead utilities is not in conformance with the provisions of the future development plan articulated in the City's Comprehensive Plan. Specifically, one the goals mentioned in the Comprehensive Plan is to "Encourage the use of landscaping, lighting, signage, and underground utilities to add value to the community, wherever possible." By not burying the existing utilities, the proposed development is not in conformance with the City's Comprehensive Plan.*

**Applicant's Concurrent Waiver Request**

The UDO in Section 300-8, provides the following factors for granting a waiver. The analysis of these factors is included below:

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Title 3 would cause an unnecessary hardship that is not caused by the owner, the Mayor and City Council may, after considering the written recommendation of the Planning and Development Director, authorize a waiver from the terms

of this Title 3 only to the extent that is absolutely necessary and not to an extent which would violate the intent of this Title 3.

The applicant requests the following waivers from the regulations of the UDO:

1. Waiver from Section 350-25 to not comply with the underground electric and communication utilities requirements.  
*Not requiring the developer to bury the utilities along Chamblee Tucker Road would impair the intent of the UDO. Although it is stated by the applicant to be too costly, there is no substantial hardship for the applicant to meet this requirement. There are other options that the UDO provides if the expense to bury overhead utilities is deemed too costly. The applicant can request a fee-in-lieu arrangement and pay into the City's Utility Conversion Fund. The fee-in-lieu of burying the lines would be \$1,326/ linear ft, or \$840,047.52. While this is much higher than the non-binding cost estimate provided by the applicant, that cost estimate only included the cost to bury Georgia Power lines and not other providers.*

**Staff Recommendation:**

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **DENIAL** of the Major Modification to the PUD in DCI application PZ2020-605. Using the standards and criteria found in Chapter 280 and Chapter 300 of the UDO, Staff recommends **DENIAL** of the following waiver requests:

1. Waiver from Section 350-25 to not comply with the underground electric and communication utilities requirements.

Should Mayor and Council approve the waiver request, staff recommends the following conditions of approval:

1. The development shall be constructed in substantial conformity with EXHIBIT A: DCI Plan Book for Avalon Townhomes, dated received February 9, 2016 with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.

**Design Review Board Comments and Recommendations:**

The April 1, 2020 Design Review Board Meeting was postponed.

**Site Visit:**



*Existing Site*



*Chamblee Tucker Road*



*Stratford Arms Drive*



*Existing Utilities*

**Attachments:**

- 1 – DCI Plan Book, dated 2/9/2016
- 2 – 2015PUD-11 Approval Letter
- 3 – 2015Z-07 Approval Letter
- 4 - Exhibit A – Email from Applicant, received 3/30/2020
- 5 – Letter of Intent
- 6 – DCI Application
- 7 – Maps