



**REZONING ANALYSIS**

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**Report Prepared by:** Jason Gaines, Planning & Development Manager

**Applicant:** Theodros Hailegiorgis  
PO Box 702  
Clarkston, Georgia 30021  
(404) 292-7400

**Location:** 4292-4300 E. Ponce de Leon Ave.

**Request:** Rezoning from NR-3 (High-Density Neighborhood Residential) to NC-2 (Moderate-Density Neighborhood Commercial)

**Parcel ID(s):** 18-119-05-014; 18-119-05-015

**Proposed Use /Purpose:** Multi-tenant retail/office building @ 6,500 s.f.

**Current Land Use:** 4292: vacant; 4300: office building (converted single-family residence)

**Future Land Use:** Neighborhood Redevelopment Area

**Sign Posted:** **January 17, 2014**

**Council Meeting:** **February 4, 2014**

**Lot Size:** 0.895 +/- acres

**Road Access:** E. Ponce de Leon Ave.; W. Smith St.

**Public Utilities:**

Water and Wastewater Treatment – Public water service and sewer service are both available.

**Zoning History:**

The applicant submitted a request to rezone the subject property from NR-3 to RC (Residential Commercial) in July 2012. However, the applicant withdrew the application without prejudice prior to being heard by City Council. **Table 1.0** illustrates the zoning and current land uses for the adjacent properties:

**Table 1.0**

	<b>Current Zoning</b>	<b>Current Land Use</b>
Northwest	Neighborhood Residential 3 (NR-3)	Single Family Residential
Northeast	Residential Commercial (RC)	Office/Retail
Southwest	Neighborhood Residential – Community Development (NR-CD)	Apartment Complex
Southeast	Low-Density Neighborhood Commercial (NC-1) (across RR tracks fronting Church Street)	Religious/Institutional

**Development Regulations Relevant to Request:**

- *Article VII, Sec. 707: NC-2, Moderate-Density Neighborhood Commercial District*
- *Article XI: Parking and Loading Requirements*
- *Article XII: Buffer, Screening and Landscaping Requirements*
- All other sections regarding site development standards and requirements.

**Analysis of Request (Article III, Sec. 305):**

***Criteria point 1: The effect upon the health, safety, morals or general welfare of the public compared to any hardship imposed upon the individual property owner seeking rezoning should rezoning be denied***

The impact of this request on the health, safety and welfare of the public could be minimized with proper landscaping and screening from adjacent non-compatible uses. The single family residences fronting on W. Smith Street (adjacent to the northwest of the subject property) would be required to be buffered from the proposed redevelopment of the subject property.

***Criteria Points 2 and 3: Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property***

E. Ponce de Leon Ave is a commercial corridor that leads into the heart of Clarkston, that being the TC zoning district and the downtown central business district. The subject property is located in an area that transitions from apartment complexes and smaller, less-intense commercial uses to those that are more intense. The proposed rezoning and redevelopment of the subject property has the opportunity to maximize the usability of the property, and can do so without adversely affecting neighboring properties. Proper buffering and landscaping are key elements to ensuring that any negative impacts to neighboring and nearby properties are either mitigated or completely eliminated.

***Criteria Point 4: Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;***

The property is currently zoned NR-3. The property was purchased as an office use and has not been used as a residence in recent memory. As currently zoned, the existing use is considered to be a legal, non-conforming use. There are no City records of the property being used as a residence. The subject property is the only one in the general vicinity fronting on E. Ponce de Leon Ave that remains zoned strictly for residential use. It is the opinion of Staff that

the current zoning limits the reasonable economic use of the property from an improvement and/or redevelopment standpoint.

**Criteria Point 5: Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

Streets & Transportation Facilities: The nature of the proposed use would not create additional volume in terms of both pedestrian traffic and vehicular traffic along E. Ponce de Leon Ave, which is a major thoroughfare through the City. The impact on public safety/welfare should be negligible.

Utilities & Environment: Stormwater runoff increases with the addition of impervious surfaces such as roads, driveways, sidewalks and buildings. The applicant would be required to follow all best management practices (BMPs) pertaining to stormwater runoff and erosion/sedimentation control while developing the site, and would also be required to enter into a stormwater maintenance agreement once the development is complete and site is stabilized. Water and sewer are handled by DeKalb County and any applicable provisions (i.e. fats oils and grease (FOG), backflow device requirements) would be administered by the appropriate County department(s).

Schools: Not Applicable

**Criteria Point 6: 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 30-foot landscaped buffer will be required on the northwest side of the property, which is adjacent to single family residences in the NR-3 zoning district. See the comment section below more details. **Table 2.0** illustrates the development standards for the NC-2 zoning district (Article VII, Sec 707):

**Table 2.0**

	<b>NC-2 ORDINANCE REQUIREMENTS</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
<b>Thoroughfare</b>	Local Street, Urban Collector Street, Urban Minor Arterial or Urban Principal Arterial	E. Ponce de Leon Ave (Urban Minor Arterial)	Yes
<b>Minimum Lot Area</b>	8,500 sf	38,9894 sf (approx. 0.9 acres)	Yes
<b>Minimum Lot Width</b>	75 ft	200 ft	Yes
<b>Building Setbacks</b>	Front: 10 ft Side: 0 ft Rear: 20ft	Front: 15 ft Side: 8 ft Rear: 20 ft	Yes
<b>Maximum Net Density</b>	N/A	N/A	N/A

***Criteria Points 7 and 8: Whether the zoning proposal is compatible with the principals of the city's long range plan as set forth in the Conceptual Master Land Use and Connectivity Plan for the City of Clarkston, a part of the Clarkston Livable Centers Initiative Study as adopted in March 2005, adopted as the city's comprehensive plan; Whether the zoning proposal is compatible with the most current adopted version of the Future Development Map of the Clarkston Comprehensive Plan***

The subject property is in an area identified for *Neighborhood Redevelopment* on the Future Development Map. This area type is defined as follows:

From the Clarkston Comprehensive Plan 2025 Community Assessment & Public Participation Strategy, December 2005:

**Neighborhood Redevelopment Area:** *This area is substantially single-family homes built after WW II. The homes have large lots and curvilinear roads and cul de sacs. In this area homes are being demolished and new larger homes being built. There are opportunities in this area to combine lots and increase density without compromising existing infrastructure. The area should be redeveloped in a manner that would include neighborhood parks, sidewalks, traffic calming improvements, and well designed small commercial activity centers within walking distance of the homes. This area should also include small-scale infill multifamily housing to increase economic diversity as well.*

In this instance, the proposed use can be developed in a manner that is compatible with the intent of the Neighborhood Redevelopment Area classification.

**Comments:**

The following items were identified by Staff in the initial analysis of the conceptual site plan submitted by the applicant:

1. Sec. 707 (F) – Bulk and Area Regulations. The minimum front yard setback is 10' from E. Ponce de Leon Ave and from W. Smith St. **The applicant may consider reducing the setback from both rights-of-way from 15' to 10' to pick up additional area to meet the required parking.**

2. Sec. 1008 – Storefront street requirements and fenestration. The subject site is within the East Ponce de Leon Avenue Storefront Street, which is a minor arterial.

Ground-level floors shall have a minimum floor-to-ceiling height of 15 feet. Also, the length of facade without intervening fenestration or entryway shall not exceed twenty (20) feet. Fenestration shall be provided for a minimum of sixty-five (65) percent of the length of all street frontages: a. Beginning at a point not more than three (3) feet above the sidewalk, to a height no less than ten (10) feet above the sidewalk; or b. Beginning at the finished floor elevation to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is three (3) or more feet above the sidewalk; or c. Beginning at a point not more than sidewalk level, to a height no less than ten (10) feet above the finished floor elevation when the finished floor elevation is below the sidewalk. **The applicant shall provide building elevations that comply with these architectural standards.**

3. Sec. 1009 (d) – Site design. All dumpsters shall be enclosed with a wall of equal or greater height on three (3) sides, the material of which shall be similar to the material on the outside of the main building. Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned non-residential and five (5) feet from all applicable buffers if the adjoining property is zoned residential. **Due to the subject site being a corner lot with two (2) front yards, it may be difficult to comply with the requirement for the dumpster in the rear yard. The applicant may consider a variance from this requirement.**
4. Sec. 1102 – Design Standards (Parking). Sec. 1102 (a) (1) states that off-street surface parking shall not be located between a building and the street without an intervening building. **The applicant would need a variance from this provision, or would have to re-configure the parking plan so that all parking is to the rear of the principal building.**
5. Sec. 1103 (a) – Driveways and curb cuts. Interior driveways shall be a minimum of 22 feet in width. **The site plan shows 24 feet. The applicant should consider reducing the interior driveways to 22' in an effort to maximize the utilization of the site.**
6. Sec. 1103 (d) only allows for driveway curb cuts on streets functioning as an arterial or collector street when access cannot be provided from a side or rear street. **The subject site currently has access from both W. Smith St and E. Ponce de Leon Ave. The City shall determine if the redevelopment of the subject site shall constitute the removal of the access point on E. Ponce de Leon Avenue.**
7. Sec. 1107 – Minimum off-street parking requirements. Sec. 1107 (c) states that retail stores require 1 space per 250 sq. ft. of gross floor space, convenience stores require 1 space per 200 sq. ft. of gross floor area, and offices require 1 space per 250 sq. ft. **Based on this requirement, the site plan does not comply with the required number of parking spaces (27 spaces required, 26 spaces provided). The applicant should consider Sec. 1108, Shared or reduced parking standards, to meet the parking space requirement or may other adjustments to accommodate one (1) additional parking space.**
8. Sec. 1110 – Minimum off-street loading requirements. Sec 1110 (b) requires 1 loading space, based on the uses proposed on the site plan. **Due to the subject site being a small, corner lot, the applicant should consider a variance from this requirement.**

The site plan indicates a possible need for a stormwater management facility variance, if underground stormwater detention is found to not be an option. **Based on the location of the site in the City's downtown area and being adjacent to both single family and multi-family properties, an underground stormwater management facility is most appropriate for this development.**

In light of these comments, Staff would like to emphasize the fact that the site plan submitted by the applicant is purely conceptual and any site-or-building specific plans would be subject to further review and compliance. Criteria point #4 above speaks to the reasonable economic use of the property. The property is currently used in a manner that is legal, yet non-conforming to the current ordinance. The current use would have to remain in perpetuity in order to remain legal; any improvement to the property would require zoning action on the party of the City. With this in mind, Staff feels that it would be appropriate to rezone the subject property to allow it to be improved in a manner that would make it a greater asset to the community.

**Recommendation:**

Staff recommends **approval** of the request by Theodros Hailegiorgis to rezone the property located at 4292-4300 E. Ponce de Leon Ave, from NR-3 to NC-2, with the following conditions:

1. Front-facing façade of the building shall consist of brick, stacked stone, stucco or similar materials. Earth-tone colors shall be used for exterior surfaces (excluding signs, which shall conform to the provisions outlined in the City's Sign Ordinance).
2. Specialty markets/grocery stores shall not be allowed as tenants in the proposed development.
3. The required 30-foot landscaped buffer shall be installed in addition to the minimum rear-yard setback (i.e. the setback is not part of the buffer). The applicant can seek a variance from this requirement if a hardship can be sufficiently demonstrated.
4. Exterior lighting shall be downcast in order mitigate any negative impact upon neighboring single-family homes and apartment units.

**Attachments:**

- Application
- Campaign Disclosure Form
- Legal Description
- Conceptual Site Plan and Elevations
- Site Photographs
- Zoning Map
- Future Development Map
- Planning & Zoning Board Meeting Minutes (December 10, 2013)