

Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S): COMMISSION DISTRICT 05 SUPER DISTRICT 07**

**Application of MARTA to rezone properties from O-I/R-75/MR-1/RSM zoning districts, within the Indian Creek Overlay District to MU-4 (Mixed Use High Density) zoning district, within the Indian Creek Overlay District to allow for a mixed-use, transit-oriented development (TOD) at the Indian Creek Marta station.**

**PETITION NO: N8-2024-0110 Z-24-1246828**

**PROPOSED USE:** Mixed-use, transit-oriented development (TOD).

**LOCATION:** 3901 Durham Park Road, Stone Mountain, Georgia 30083

**PARCEL NO. :** 15-228-01-001, 15-228-01-007, 15-228-01-014, 15-228-01-087 15-228-01-088, 15-228-01-089, 15-228-01-090, 15-228-01-091, 15-228-01-092, 15-228-01-095, 15-228-01-096, 15-228-01-097, 15-253-08-001, 15-253-08-002, 15-253-08-003, 15-253-08-004, 15-253-08-005, 15-253-08-006, 15-253-08-007, 15-253-08-008

**INFO. CONTACT:** John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of MARTA to rezone properties from O-I/R-75/MR-1/RSM zoning districts, within the Indian Creek Overlay District to MU-4 (Mixed Use High Density) zoning district, within the Indian Creek Overlay District to allow for a mixed-use, transit-oriented development (TOD) at the Indian Creek Marta station.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (April 8, 2024) Denial.

**PLANNING COMMISSION:** (May 2, 2024) Approval with conditions.

**PLANNING STAFF:** Approval with conditions.

**STAFF ANALYSIS:** See attached Staff report.

**PLANNING COMMISSION VOTE:** (May 2, 2024) Approval with Conditions 7-0-0. Jan Costello moved, Edward Patton seconded for approval with nineteen (19) conditions, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** (April 8, 2024) Denial 7-2-0.

## MARTA REZONING RECOMMENDED CONDITIONS

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1. The development of the site shall be subject to the conditions contained herein, the requirements of the MU-4 (Mixed-Use High Density) Zoning District, the requirements of the Indian Creek and Covington Overlay District, and procedures contained in Section 2.22 of the *Zoning Ordinance*. To the extent possible, any future development shall comply with the TOD guidelines adopted by MARTA (See attached). In the event of a conflict between the TOD guidelines and the *DeKalb County Zoning Ordinance*, the requirements of the *DeKalb County Zoning Ordinance* shall prevail.
2. Prior to the submission of a Land Disturbance Permit (LDP) application, a Master Development Plan must be submitted and approved by DeKalb County Director of Planning and Sustainability. Following the submission of the Master Development Plan, it will be determined if a Development of Regional Impact (DRI) application is required. If a DRI is required, an application shall be submitted to the appropriate review authorities for the entire station area and a copy shall be provided to the Director of Planning and Sustainability. The developer or property owner will be responsible for all transportation improvements identified in Appendix A of the future GRTA Notice of Decision once submitted and approved, in addition to any improvements recommended by the County Transportation Division to mitigate the proposed development phase. Applicant is required to complete all items in the Atlanta Regional Commission's Attachment A in the Notice of Decision, once approved, in addition to requirements of the Zoning Code, Land Development Code and PW-Transportation Division. Durham Park Road is classified as a local road. However, a 10-foot multiuse path will be required along the frontage due to the direct multimodal connection to the MARTA station. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip between the back of curb and the 10-foot multiuse path. Requires pedestrian scale streetlights. ([hefowler@dekalbcountyga.gov](mailto:hefowler@dekalbcountyga.gov)). Coordination with the GDOT Major Mobility Investment Program (MMIP) I-285 Managed Lane Project is required. (Tim W. Matthews, State Express Lanes Administrator, [TMatthews@dot.ga.gov](mailto:TMatthews@dot.ga.gov) or Xavier James at [xjames@dot.goa.gov](mailto:xjames@dot.goa.gov). MARTA is required to construct a multi-use path, at least 10 feet in width, through the property to connect Durham Park Road to Redan Road.
3. The minimum residential density shall be no less than 24 dwelling units per acre. As proposed in each development phase and Master Development Plan (indicated in Condition #2), nonresidential space will be constructed concurrently and proportionally with residential development. Each phase of development shall incorporate a minimum of 10% commercial, until there is a minimum of 20% of the total square footage of the project site developed with commercial uses. If 20% commercial is not provided per phase, a conceptual plan must be submitted showing how the overall project will meet the 20% commercial requirement. All phases of development will adhere to the principles set forth in the *DeKalb County 2050 Unified Plan* regarding the Indian Creek Town Center, where development intensity is greatest near the Indian Creek MARTA station and transitions down toward Redan Road to the south. Development will promote the highest intensity residential, commercial, and office facilities feasible at the time of implementation and help the station to serve as a regional destination.
4. Building materials shall comply with Article 5 of the *Zoning Ordinance*.
5. The approval of this rezoning application by the Board of Commissioners has no bearing on the requirements for other regulatory approvals under the authority of the Planning Commission, the Zoning Board of Appeals, or other entity whose decision should be based on the merits of the application under review by each entity.
6. Developer or property owner shall construct a connected street network with walkable blocks. Street blocks shall not have a face longer than 400 feet, as designated in the MARTA TOD Guidelines and the Indian Creek and Covington Overlay District, unless the block is directly adjacent to the station, includes a parking structure designated for MARTA patrons, and is no longer than 500 feet. No new streets shall be built within 225 feet of the station's south

## MARTA REZONING RECOMMENDED CONDITIONS

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façade and from a plane extending east 175 feet from the southeast corner of the station. A “kiss and ride” street shall be built within 225 feet.

7. A pedestrian and bicycle multiuse trail shall be constructed to form a loop around the new development and have a minimum length of 3,500 feet. The multiuse trail shall connect to Durham Park Road via the MARTA pedestrian and bicycle bridge and extend a minimum of 1,150 feet south from the station’s south façade. A multiuse trail shall be constructed parallel to the Elder Lane right-of-way as a separated facility or as a protected facility within the Elder Lane right-of-way. The multiuse trail loop shall have a minimum width of 700 feet between Elder Lane and a point west of Elder Lane.
8. Developer or property owner shall provide at minimum one (1) single public open space (Park) for recreation and not less than 3 acres.
9. Developer or property owner shall provide a public plaza (Station Plaza) not less than 1.5 acres directly adjacent to the station’s west entrance. No streets shall traverse the Station Plaza except for a curb-less “kiss and ride”. Special or uniquely designed paving materials shall be used to define the Station Plaza spatially and aesthetically across its entire footprint.
10. Crosswalks shall be located at every intersection within the development and be enhanced with special paving material to clearly identify pedestrian zones.
11. A minimum of 75% of non-residential uses shall be located within 700’ of the station’s south façade.
12. A minimum of 80% of food and beverage uses shall be located within 500’ of the south façade. When possible, food and beverage uses shall have primary frontage oriented towards the Station Plaza. They shall be permitted on upper floors (“roof tops”) of any building.
13. When parking garages are adjacent to the Station Plaza:
  - a. Parking garage entrances for vehicles shall not face onto the Station Plaza;
  - b. Parking garage facades shall not be exposed to the Station Plaza. Instead, parking garage facades oriented towards the Station Plaza shall be wrapped with residential and/or non-residential uses for the full height of the parking garage. Parking garages shall not have more than 50% of facades exposed. Exposed parking garage facades shall not be oriented along primary street frontages, instead they should be oriented to internal roads. When possible, vehicular parking garage entrances shall not be located along primary street frontages instead they accessed from internal roads.
  - c. Any parking garage with a footprint of 50,000 sq. ft. or greater and of a height greater than 50 feet shall include a roof level accessible to the public and activated with recreation or other related community programming;
  - d. Exposed parking garage facades not lined with residential or non-residential uses shall include a decorative screen across the entirety of the exposed façade, except for garage entrances, and composed of reasonable architecturally-designed materials so the interior parking areas are obscured from view, presenting the appearance of a building from afar.; and
  - f. Parking garages shall comply with Section 6.1.9 regarding setbacks, height, orientation, and architectural features.
14. Bus transfer facilities located adjacent to the station shall not face directly onto Station Plaza. Bus transfer facilities located adjacent to the station shall not include bus entrance or exit points along Station Plaza frontage.

**MARTA REZONING RECOMMENDED CONDITIONS**

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15. Community facility uses, such as, but not limited to, community centers, shall be located adjacent to the Station Plaza or Park and within 500 feet of the station's south façade.
16. Overall stormwater management of the site must incorporate natural or green infrastructure features (e.g., rain garden, pervious pavers, bioswales, etc.).
17. Publicly accessible parking decks must have a parking management plan to efficiently utilize parking spaces.
18. Developer or property owner shall be responsible for installation of placemaking elements in streetscapes and/or public open spaces, including, but not limited to, public art, seating, signage, and communal space. Specific elements and proposed locations shall be identified during the land development permit process and an installation and activation schedule shall be provided by the developer and approved by the Planning Director.
19. Developer may reserve at least 20% of the total residential units on-site for workforce housing units (WHUs), defined as housing that is affordable to households earning between 60 percent and 120 percent of Area Median Income (AMI). WHUs shall have the same access to amenities and services within multi-family buildings as the market rate units. Subject to applicable laws, each multi-family building owner/operator shall establish a program to give a preference for rental of WHUs to individuals who work within the Project site.

**DeKalb County Department of Planning & Sustainability**

**178 Sams Street,  
Decatur, GA 30030**

**(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)**

**Planning Commission Hearing Date: May 2, 2024  
Board of Commissioners Hearing Date: May 23, 2024**

**STAFF ANALYSIS**

<b>Case No.:</b>	Z-24-1246828	<b>Agenda #:</b> 2024-0110
<b>Location/Address:</b>	Various properties south side of Durham Park Road and north side of Redan Road	<b>Commission District:</b> 05 <b>Super District:</b> 07
<b>Parcel ID(s):</b>	15-228-01-001, 15-228-01-007, 15-228-01-014, 15-228-01-087, 15-228-01-088, 15-228-01-089, 15-228-01-090, 15-228-01-091, 15-228-01-092, 15-228-01-095, 15-228-01-096, 15-228-01-097, 15-253-08-001, 15-253-08-002, 15-253-08-003, 15-253-08-004, 15-253-08-005, 15-253-08-006, 15-253-08-007, 15-253-08-008	
<b>Request:</b>	Rezone properties from O-I, R-75, MR-1, and RSM zoning districts to MU-4 (Mixed Use High Density) zoning district within the Indian Creek District to allow mixed-use, transit-oriented development (TOD) at the Indian Creek station.	
<b>Property Owner(s):</b>	MARTA	
<b>Applicant/Agent:</b>	MARTA c/o Debbie Frank	
<b>Acreage:</b>	64 acres	
<b>Existing Land Use:</b>	Indian Creek MARTA station, parking lot, associated assessor uses and vacant land	
<b>Surrounding Properties:</b>	<b>North:</b> MU-4/RSM <b>East:</b> RSM/R-75 <b>South:</b> R-75/MU-4 <b>West:</b> Interstate 285	
<b>Comprehensive Plan:</b>	<b>Town Center (TC)</b>	<b>Consistent</b> <input checked="" type="checkbox"/> <b>Inconsistent</b> <input type="checkbox"/>

**Staff Recommendation: APPROVAL WITH CONDITIONS**

The subject property is currently zoned O-I (Office Institutional), R-75 (Residential Medium Lot), MR-1 (Medium Density Residential-1), and RSM (Residential Small Lot Mix) within the Indian Creek Overlay District and contains the Indian Creek MARTA station and vacant land. The applicant is seeking a rezoning to MU-4 (High Mixed-Use Density) Zoning District within the Indian Creek Overlay District to redevelop the site as a transit oriented (TOD), mixed-use development. There is also a companion case to amend the Indian Creek and Covington Overlay District to accommodate the proposed MU-4 rezoning (See TA-24-1246831) and submitted conceptual plans. Transit-Oriented Development (TOD) typically incorporates a mixture of uses, including residential, retail, and office uses within a compact area. The intention of TODs is to create dense, walkable areas that are supportive of multimodal transportation options, specifically the use of transit with less dedicated parking, in the areas of high-capacity transit stations. A

typical TOD district encourages strategic growth near transit, primarily between one-quarter to one-half mile radius from the transit station. The development density of a TOD should intensify closer to the center of the radius and decrease towards the edges of the development. TOD also incorporates parks and outdoor recreation areas with multi-use trails to connect the adjacent residential neighborhood to the mixed-use opportunities and activities to parks and recreational opportunities. If the rezoning is not approved, then instead of high-quality, transit-oriented, mixed-use development, the land will likely remain in its current condition as a MARTA transit station, police substation, and a sea of paved parking.

The applicant's proposed concept plans associated with the MU-4 rezoning are based on the community's vision established by hundreds of participants at several charettes. Based on the information from the applicant, stakeholders involved in the process have been overwhelmingly supportive of the TOD, including neighborhood organizations from Pendley Hills to Rowland Allgood & Durham HOA. Organizations with membership from Lithonia to Avondale Estates have all voiced their support at several charettes. Community engagement for Indian Creek's master plan is centered around economic development, affordable housing, job creation, and greenspace conservation, not on transit expansion. Given the benefits to the immediate community and greater unincorporated DeKalb, the applicant indicates that it is clear that there is overwhelming support for TOD at Indian Creek Station.

Notwithstanding substantial community support for MARTA's proposed MU-4 rezoning, there was some opposition to the rezoning application at the Community Council meetings. However, most of the opposition related to MARTA not expanding heavy rail opportunities in DeKalb County and was not directly related to the proposed mixed-use TOD development associated with the MU-4 rezoning. Separately, as part of the South DeKalb Transit Initiative, MARTA continues to engage with community stakeholders surrounding high-capacity transit expansion in South DeKalb. Last Summer, MARTA hosted a series of public meetings, in-person and virtual, and disseminated a public survey to gauge attitudes towards transit expansion. MARTA is presently collaborating with the Partnership for Southern Equity (PSE) to discuss transit equity with community stakeholders. Representatives from MARTA have participated in every PSE event and will continue to contribute to their work. Additionally, MARTA will host public meetings following the conclusion of the initiative's secondary analysis. Community members who support heavy rail are present at PSE events and are welcome at all MARTA's community meetings. The subject rezoning application is a separate initiative and process than those centered on transit expansion.

The proposed MU-4 district will strengthen opportunities to implement the goals of the Indian Creek Overlay District which include developing a multimodal, transit-oriented area that integrates physical activity by enhancing connectivity to trails, parks and open space both internally and near developed areas. This District is envisioned to be a premier regional recreation destination with accessory restaurant, retail and office space. Transit oriented development (TOD) is encouraged in this area to increase MARTA ridership and mixed-use development around the Indian Creek MARTA station.

The requested zoning district is consistent with the goals of the Comprehensive Plan. The proposed MU-4 (High Mixed Use Density) Zoning District allows a high intensity mixture of uses that are consistent with the following policies of the Town Center (TC) character area of the 2050 Comprehensive Plan: "Encourage a high density mix of retail, office, services, and employment opportunities and allow residential densities up to 60 dwelling units per acre (and up to 75 dwelling units acre with an approved Small Area Plan (SAP) (TC Policy, "Maximum Density" & "Mixed Use Development" policies, page 88)"; and "Encourage the clustering of neighborhood and community shopping and office facilities in nodes with defined boundaries which are convenient to population concentrations and major transportation facilities." (Land Use Policy, "Clustering", page 78). The proposed conceptual land use scenarios and transit-oriented development guidelines will provide the conceptual framework for a future Indian Creek Station Small Area Plan.

It is important to note that the application does not contain a development proposal for the subject properties, but several well-developed conceptual plans. Pending rezoning approval, the applicant intends to seek the services of a developer to further create a vision and execute the subsequent construction. Due to the potential scope of the project,

a Development of Regional Impact (DRI) review may be required later in the process to ensure that the development plan aligns with regional land use, transportation, transit, environmental, and sustainability goals while mitigating potential adverse impacts. Per mixed-use district standards, a master development plan is required. In order to extend the County's partnership with MARTA, the master development plan (master signage plan, architectural plans, etc.) and the DRI (if necessary) submittals will be deferred until no later than the land development permit stage. Additionally, recommended improvements have been provided by the Department of Transportation (see inter-departmental comments attached). Existing and proposed transportation plans and projects which will need to be coordinated with the MARTA redevelopment plans are clarified in the *Project Analysis* section of the Staff Report.

The applicant has submitted transit-oriented development guidelines and conceptual land use scenarios which are intended to support the master development plan(s) to be submitted prior to the land development permit stage (See conceptual plans and *2010 MARTA TOD Guidelines and Policies*). Staff has drafted conditions, attached herein for review by the Board of Commissioners, MARTA, and other stakeholders. Therefore, the Department of Planning and Sustainability recommends “**Approval, with Staff’s recommended conditions**”.

## **TRANSPORTATION PROJECT ANALYSIS**

### Equitable Transit-Oriented Development

The establishment of equitable TOD **policies** enables government agencies to set TOD **standards** that ensure high-quality development, while mitigating the displacement of current residents and businesses in these areas. New TODs and transit corridors provide opportunities for entrepreneurs and employers by improving accessibility to multiple mobility options in the area and providing a setting for prospects such as locating workforce development and start-up business training.

### Existing Stations

Currently, unincorporated DeKalb County is home to two MARTA heavy rail stations, Kensington and Indian Creek. Two previous comprehensive TOD development plans for the Kensington MARTA Station and its surrounding areas were completed in 2002 and 2012. An update plan for the Kensington MARTA Station area was initiated in 2021. A planned study for the Indian Creek MARTA Station area is planned to begin in 2022 and will study TOD opportunities surrounding the station.

## **KEY RECOMMENDATIONS OF THE DEKALB COUNTY TRANSIT MASTER PLAN (DTMP)**

The DTMP concluded by advancing five major recommendations for the County's consideration moving forward. These recommendations are summarized below:

▶ Recommendation 1: Advance Four Transit Scenarios for Further Consideration and Additional Public Input and Education. It is recommended that four potential transit scenarios are advanced forward for additional public and stakeholder input and education. These scenarios include the Existing MARTA Penny Scenario, Half Penny Scenario, Full-Penny Scenario, and Previously Adopted Scenario. The public and stakeholder education and input process should be designed to increase the public's understanding of the travel benefits and the costs and impacts of the scenarios.

▶ Recommendation 2: More Public/ Stakeholder and Input on Project Delivery and Innovative Financing Opportunities. Additional public and stakeholder education is recommended on funding opportunities outside of the HB 930 sales tax option. This includes public-private-partnerships, value capture financing, and federal CIGs for transit.

► Recommendation 3: Collaborate with MARTA on Current Unmet Needs. Increased coordination between DeKalb County and MARTA is recommended to help ensure that transit investments address current unmet needs and are delivered using funds from the existing MARTA sales tax. These needs include paratransit expansion in south and east DeKalb, mobility hubs, busto-rail transfer improvements, last-mile/first-mile connectivity projects, expanded local bus coverage, community circulators, and mobility on-demand services.

► Recommendation 4: Collaborate with MARTA and Agency Partners on the Advancement of Expansion Projects Consistent with DTMP. DeKalb County should continue to coordinate with agency partners like MARTA, GDOT, and the ATL as well as other agencies to advance the definition (i.e., planning and design concept) of key projects included in the DTMP scenarios. This includes coordination with GDOT on the I-285 managed lanes project to accommodate bus rapid transit (BRT) design solutions. Coordination with GDOT is also recommended to re-evaluate I-20 East high-capacity transit to Stonecrest and the I-285 Top End Express Lanes. Finally, coordination with MARTA is recommended on high-capacity transit projects along Clifton Corridor, Buford Highway, and Candler Road as well as an arterial rapid transit (ART) network.

► Recommendation 5: Align Land Use, Development Codes, and Transit Efforts. In order to be more competitive in receiving FTA grants for major transit investments, it is recommended that DeKalb County and the 13 cities within the County undertake efforts to better align land use and development policies to support transit investments. This includes encouraging transit supportive land use which promotes transit usage, walkability, and compact development forms at station areas and transit corridors. It is recommended that land use plans in the County direct growth into the high-capacity transit corridors identified in the DTMP.

Though this project does not address potential new funding scenarios (Recommendation 1), it does align with the remaining four recommendations:

1. The project entailed significant public/stakeholder input and detailed the multiple collaborations with existing and planned stakeholders (Electric Owl Studios, PATH/Greenway Staff, GDOT, etc. Recommendations 2 & 4).
2. The project addresses scenarios for meeting unmet needs voiced by citizens and stakeholders as well as supplying adequate buffering for the adjacent built environment.
3. The project envisions uses of land consistent with the community's vision expressed in the 2050 Unified Plan.