

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP IN ORDER TO REZONE PROPERTY FROM MU-4 (MIXED-USE HIGH DENSITY) TO MR-2 (MEDIUM DENSITY RESIDENTIAL-2) FOR A 120-UNIT SINGLE-FAMILY ATTACHED TOWNHOME DEVELOPMENT AT A DENSITY OF 11 UNITS PER ACRE AT 3085 LEXINGTON TERRACE, DECATUR. THE PROPERTY IS LOCATED ON THE EAST SIDE OF AGAPE WAY, APPROXIMATELY 364 FEET SOUTH OF THE SOUTHEAST CORNER OF AGAPE WAY AND REDWING CIRCLE, AT 3085 LEXINGTON TERRACE, DECATUR. THE PROPERTY HAS APPROXIMATELY 262 FEET OF FRONTAGE ON AGAPE WAY AND CONTAINS 10.9 ACRES.

APPLICANT: ALA Ambling Grove, LLC
OWNER:

COMMISSION DISTRICTS: 5 & 7

WHEREAS, ALA Ambling Grove, LLC has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located at 3085 Lexington Terrace, and more particularly described as follows:

All that tract or parcel of land and being in **District 15, Land Lot 196, Block 03, Parcel 008** of DeKalb County, Georgia, containing 10.9 acres, and

WHEREAS, it appears to the Board of Commissioners that the application meets all of the criteria set forth in the DeKalb County Code, Chapter 27, Article VII, Division 3, Section 27-7.3 for amending the DeKalb County Zoning Ordinance for the subject property from MU-4 District to MR-2 District.

THE BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA, HEREBY ORDAINS:

Part 1: Pursuant to the authority of the DeKalb County Board of Commissioners to exercise powers of zoning, set forth in Section 27, Article 1.1 & 7.3 of the DeKalb County Zoning Ordinance, an amendment to rezone property from MU-4 (Mixed-Use High Density) to MR-2 (Medium Density Residential-2) for a 120-unit single-family attached townhome development at a density of 11 units per acre at 3085 Lexington Terrace, Decatur. The property is located on the east side of Agape Way, approximately 364 feet south of the southeast corner of Agape Way and Redwing Circle, at 3085 Lexington Terrace, Decatur. The property has approximately 262 feet of frontage on Agape Way, contains 10.9 acres and is hereby approved, (with conditions).

Part 2: That if this amendment is approved conditionally, and under the provisions of Section 27-7.3.9 of the DeKalb County Zoning Ordinance, as identified by the use of the term "Conditional" after the district designation in Part 1 above, the development and use of the above-described property shall be permitted only in compliance with the conditions and/or site plan as attached to this ordinance.

Part 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Part 4: This ordinance, hereby approved, does not authorize the violation of any Zoning District Regulations. District regulation variances can be approved in accordance with Chapter 27, Article VII, Division 5.

MARCH 26, 2019

Z-19-1243041

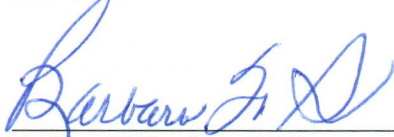
2018-3213

ADOPTED by the DeKalb County Board of Commissioners this 26th day of March 2019.



Jeff Rader
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

ATTEST:



Barbara H. Sanders, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

REQUESTED BY APPLICANT:

Application ALA Ambling Grove, LLC to rezone property from MU-4 (Mixed-Use High Density) to MR-2 (Medium Density Residential-2) for a 120-unit single-family attached townhome development at a density of 11 units per acre.

RECOMMENDATIONS

PLANNING AND SUSTAINABILITY DEPARTMENT RECOMMENDATION:

Approval with Conditions. The proposed development would add residential uses to a predominantly commercial corridor along Covington Highway, thereby helping to balance the mix of land uses in the corridor. In addition, it is consistent with Comprehensive Plan Policy No. 6 to: "Cluster high density development at nodes and along major corridors outside of established residential areas." As a residential land use with townhome-style buildings, the proposed development would have smaller, less bulky buildings than the Retreat at Madison development on the adjacent property to the north and northwest, which is comprised of two buildings, each with four stories and approximately 100 units each. The proposed development would be separated from the Trinity Christian Center to the south by wooded land, which is protected from development by a stream buffer on both sides of the stream that runs through the northern half of the church property. The proposed development is not expected to affect the use of the adjoining commercial properties to the northeast and east. The proposed development is substantially similar to the development that was approved in 2003. Except for development of the adjoining property to the north for the Retreat at Madison, land uses on adjoining properties has remained constant during the fifteen years since the 2003 rezoning approval. Townhome development of the property was considered suitable in 2003 and is still suitable in the context of surrounding development and the policies of the Comprehensive Plan. Therefore, the Department of Planning and Sustainability recommends, "Approval with one condition":

1. The development shall contain a maximum of 120 single-family attached, fee-simple, townhouse-style dwelling units.

PLANNING COMMISSION RECOMMENDATION:

Approval with Conditions 7-1-0. J. West moved, and A. Atkins seconded, for approval with Staff's condition, with an added condition that there be a mandatory HOA. T. Snipes opposed.

BOARD of COMMISSIONERS FINAL ACTION
MARCH 26, 2019

March 26, 2019, Approved with one (1) staff condition, the recommendation of the Planning Commission that there be a mandatory HOA, and the recommendation of the Community Council to sell the townhomes instead of renting them.

FINAL CONDITIONS

1. The development shall contain a maximum of 120 single-family attached, fee-simple townhouse-style dwelling units.
2. A mandatory homeowners' association shall be established.
3. The townhome units shall be marketed as "For Sale" and not "Rental".

Approved Conditions
Unofficial until ratified by the Board
Date: 3/27/19 Initials: MUF

Approved Conditions

Z-19-1243041

Rezoning from MU-4 (Mixed-Use High Density) to MR-2 (Medium Density Residential-2)

1. The development shall contain a maximum of 120 single-family attached, fee-simple, townhouse-style dwelling units.
2. A mandatory homeowners' association shall be established.