

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP

AN ORDINANCE TO AMEND THE DEKALB COUNTY ZONING MAP IN ORDER TO REZONE PROPERTY R-75 (RESIDENTIAL MEDIUM LOT - 75) TO MR-2 (MEDIUM DENSITY RESIDENTIAL-2) FOR DEVELOPMENT OF 24 SINGLE-FAMILY ATTACHED TOWNHOME UNITS AND SIX SINGLE-FAMILY DETACHED UNITS AT A DENSITY OF 5.54 UNITS PER ACRE. THE PROPERTY IS LOCATED ON THE NORTH SIDE OF EAST TUPELO STREET, APPROXIMATELY 502 FEET EAST OF THE NORTHEAST CORNER OF EAST TUPELO STREET AND VENICE DRIVE, AT 2602 EAST TUPELO STREET, ATLANTA. THE PROPERTY HAS APPROXIMATELY 128 FEET OF FRONTAGE ON EAST TUPELO STREET AND CONTAINS 5.12 ACRES.

APPLICANT: ATKM Memorial, LLC
OWNER:

COMMISSION DISTRICTS: 3 & 6

WHEREAS, ATKM Memorial, LLC c/o J. Alexander Brock has filed an application to amend the DeKalb County Zoning Ordinance to rezone property located at 2602 East Tupelo Street, and more particularly described as follows:

All that tract or parcel of land and being in **District 15, Land Lot 202, Block 03, Parcel 103** of DeKalb County, Georgia, containing 5.12 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 R-75 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 R-75 (Residential Medium Lot - 75) to MR-2 (Medium Density Residential-2) for development of 24 single-family attached townhome units and six single-family detached units at a density of 5.54 units per acre. The property is located on the north side of East Tupelo Street, approximately 502 feet east of the northeast corner of East Tupelo Street and Venice Drive. The property has approximately 128 feet of frontage on East Tupelo Street, contains 5.12 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-19-1243043

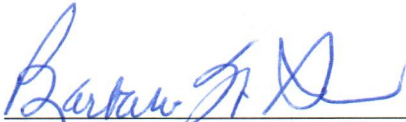
2018-3215

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 of ATKM Memorial, LLC c/o J. Alexander Brock to rezone property from R-75 (Residential Medium Lot - 75) to MR-2 (Medium Density Residential-2) for development of 24 single-family attached townhome units and six single-family detached units at a density of 5.54 units per acre.

RECOMMENDATIONS**PLANNING AND SUSTAINABILITY DEPARTMENT RECOMMENDATION:**

Approval with Conditions. The proposed development is consistent with Comprehensive Plan Policy No. 6 to: "Cluster high density development at nodes and along major corridors outside of established residential areas." Although the northwest side of the property backs up to a single-family neighborhood, after development it would become an integral part of a mixed residential development that would have vehicular access on Memorial Drive as well as East Tupelo Street. Thus, it would become part of the Memorial Drive commercial corridor and would help fulfill the Comprehensive Plan vision for commercial redevelopment corridor character areas to contain higher-density residential as well as commercial land uses. At the same time, the proposed density of the development would allow a transition between the single-family neighborhood and the commercial redevelopment corridor along Memorial Drive. More than half of the portion of the subject property that adjoins the rear yards of single-family homes is proposed to be left as natural green space, and a twenty-foot undisturbed buffer is proposed between the eight-unit townhome building and the single-family properties. Thus, the adjoining properties would be well-screened from the proposed development. By providing more than double the amount of required open space as well as trails to Dearborn Park, the proposed development demonstrates how residential development can be accomplished in a manner that preserves large areas of natural green space and provides linkage to off-site natural resources. Therefore, the Department of Planning and Sustainability recommends, "Approval with the following conditions":

1. The subject property shall be developed in substantial compliance with the site plan titled, "Blue Sky", prepared by TSW, dated 2/19/19 and stamped as received by the Department of Planning and Sustainability on 02/20/19.
2. The proposed development shall have a maximum density of six (6) units per acre.
3. The proposed development shall consist of single-family detached or townhome building types.
4. The proposed greenway connection to Dearborn Park shall be provided as shown on the site plan referenced in Condition No. 1.
5. The walking trails shown on the site plan referenced in Condition No. 1 shall be furnished with at least two dog waste disposal stations.
6. Tree recompense funds shall be used to plant trees in the Midway Woods community.
7. The developer shall post "no parking" signs to prohibit parking Mondays through Fridays, 7:00 AM to 7:00 PM in the alleys that adjoin Units 89-97 and Units 63-73, to allow for access by garbage trucks.

PLANNING COMMISSION RECOMMENDATION:

Approval with Conditions 7-1-0. V. Moore moved, J. West seconded for approval with Staff's conditions. T. Snipes opposed.

BOARD of COMMISSIONERS FINAL ACTION
MARCH 26, 2019

Approved with the six (6) attached conditions, submitted by Commissioners Larry Johnson and Kathie Gannon.

FINAL CONDITIONS

1. The subject property shall be developed in substantial compliance with the site plan titled, "Blue Sky", prepared by TSW, dated 2/19/19 and stamped as received by the Department of Planning and Sustainability on 02/20/19.
2. The proposed development shall have a maximum density of six (6) units per acre.
3. The proposed development shall consist of single-family detached or townhome building types.
4. The proposed greenway connection to Dearborn Park shall be provided as shown on the site plan referenced in Condition No. 1.
5. The walking trails shown on the site plan referenced in Condition No. 1 shall be furnished with at least two dog waste disposal stations.
6. Tree recompense funds shall be used to plant trees in the Midway Woods community.

Blue Sky
Tucelo N7-N8

3/26/2019

Substitute Conditions

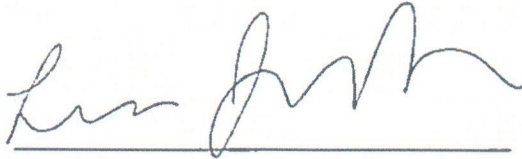
Z-19-1243043

Rezoning from R-75 (Residential Medium Lot-75) to
MR-2 (Medium Density Residential-2)

1. The subject property shall be developed in substantial compliance with the site plan titled, "Blue Sky", prepared by TSW, dated 2/19/19 and stamped as received by the Department of Planning and Sustainability on 02/20/19.
2. The proposed development shall have a maximum density of six (6) units per acre.
3. The proposed development shall consist of single-family detached or townhome building types.
4. The proposed greenway connection to Dearborn Park shall be provided as shown on the site plan referenced in Condition No. 1.
5. "The walking trails shown on the site plan referenced in Condition No. 1 shall be furnished with at least two dog waste disposal stations."
6. Tree recompense funds shall be used to plant trees in the Midway Woods community. A minimum of 20% of the trees required to be planted on the site shall be oak trees.

March 26, 2019

Larry Johnson District 3:



Kathie Gannon District 6:

