



Legislation Details (With Text)

File #: 2018-2157 **Version:** 1 **Name:**
Type: Ordinance **Status:** Public Hearing
File created: 5/23/2018 **In control:** Board of Commissioners
On agenda: 10/9/2018 **Final action:** 10/9/2018
Title: Commission District(s): 4 & 6
 Rezone - Sam Artopoulos & R. Kyle Williams Z-18-22285

Indexes:

Attachments: 1. 2018 10.09 Item 2018-2157.pdf, 2. 2018 09.25 Item 2018-2157.pdf, 3. 2018 08.28 Item 2018-2157.pdf, 4. N6 Z 18 22285 Recommended Conditions, 5. N6 Z 18 22285 Staff Report

Date	Ver.	Action By	Action	Result
10/9/2018	1	Board of Commissioners	approved substitute submitted from the floor	Pass
9/25/2018	1	Board of Commissioners		
8/28/2018	1	Board of Commissioners		
7/24/2018	1	Board of Commissioners - Zoning Meeting	deferred for 30 days	Pass
7/10/2018	1	Planning Commission	deferred for two full cycles	Pass

Substitute

Public Hearing: YES NO **Department:** Planning and Sustainability

SUBJECT:

Commission District(s): 4 & 6

Rezone - Sam Artopoulos & R. Kyle Williams Z-18-22285

Petition No.: Z-18-22285

Proposed Use: 220 Apartment Units with Street Level Retail Uses

Location: 4213 Memorial Drive

Parcel No.: 15-230-01-005

Information Contact: Marian Eisenberg

Phone Number: 404-371-4922

PURPOSE:

To rezone property from R-75 (Residential Medium Lot) District to HR-3 (High Density Residential-3) to build ground level retail in combination with 220 apartment units within two - 7 seven-story buildings. The property is located on the east side of Memorial Drive, approximately 207 feet south of Kensington Road at 4213 Memorial Drive, Decatur, Georgia. The property has approximately 196 feet of frontage on Memorial Drive and contains 2.3 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: DEFERRAL

PLANNING COMMISSION: DEFERRAL TWO CYCLES TO NOVEMBER REZONING AGENDA

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PLANNING STAFF ANALYSIS: The proposed rezoning request from R-75 (Medium Lot Residential) District to HR-3 (High Density Residential-3) District to develop 220 apartment units is compatible with apartment zoning MR-2 (Medium Density Residential -2) District adjacent to the site along Kensington Road and with the intent to diversify multi-family options near a MARTA station. The Oak Tree Villa apartments west of the site support multi-family residential zoning in the area. The proposed retail component is compatible with existing non-residential uses along Memorial Drive. The applicant submitted a Traffic Impact Study dated July 2018 prepared by Kimley -Horn and Associates, Inc. to address traffic concerns. General recommendations from the traffic study included one (1) westbound shared left-turn/through/right-turn lane exiting the site onto Memorial Drive (SR 154/ SR 10) and one (1) ingress lane entering the site. Given that Memorial Drive is a state route, GDOT (Georgia Department of Transportation) will determine the number of curb cuts on Memorial Drive. A condition has been added to address GDOT approval. On August 30, 2018, the applicant and Planning Staff met with the District Commissioners to address site development concerns for the proposed apartments and retail use. Issues discussed included the expansion and revision of the streetscape zone along Memorial Drive which shall include additional landscaping; wider sidewalks; a pedestrian plaza at the entrances of the retail space and leasing office fronting on Memorial Drive; benches, bicycle racks, trash receptacles; building façade materials; a dog run and amenity path area. Following the meeting, the applicant submitted revised site plans to the Planning and Sustainability Department on September 6, 2018 and September 19, 2018 incorporating the agreed upon design elements into the site. On, September 25, 2018, the Board of Commissioners deferred this item for 2 weeks to design and incorporate additional streetscape elements that shall become a standard for development in the area. On October 2, 2018, the applicant submitted revised site plans to the Planning and Sustainability Department that entails specific landscape and streetscape design for the Memorial Drive frontage and the east and west side elevations. The conditions have been revised to reflect the changes in the site plan. Therefore, the Planning and Sustainability Department recommends “Approval” per the attached revised conditions.

PLANNING COMMISSION VOTE: 8-0-0 Two Cycle Deferral. J. Johnson moved, V. Moore seconded for a two-cycle deferral to the November rezoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: 10-1-0/Deferral

Zoning Conditions
4213 Memorial Drive
Z-18-22285
October 4, 2018

1. The property shall be developed in substantial compliance to the revised site plans (copies of which are attached and labeled exhibits A and B) dated 9/5/2018 and submitted to the Planning and Sustainability Department on 9/6/2018 and revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018 for no more than 220 apartment units at a density of 95 units per acre with the non-residential services/amenities and a minimum of 2,474 square feet of retail uses on the ground floor. Layout and building design shall be subject to approval of the Director of Planning and Sustainability Department and shall be reported to the District Commissioners.
2. The number and location of curb cuts, vehicular ingress and egress and any operation improvements shall be subject to approval by Georgia Department of Transportation (GDOT) and the DeKalb County Transportation Division of the Department of Public Works. Any changes from the site plan shall be reported to the District Commissioners.
3. All building facades, excluding fenestration, visible from Memorial Drive shall consist of a minimum of 40% stone and/or brick. The remaining building facades visible from Memorial Drive may be stucco. No vinyl or exposed concrete block is allowed on the building facades. Fenestration may include such openings in the building façade as glass windows, doors, glass wall panels, and storefronts.
4. Provide street lamps consistent with existing lamps on Memorial Drive and located within the 5-Foot Wide Green Strip area as shown on the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018.
5. Provide a landscape hedge within the 5' Green Strip area that is a minimum of 3' wide and approximately 3' in height as shown on the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018.
6. Provide courtyard and decorative lighting interior to the development and surrounding amenities area as depicted on the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018.
7. Provide a minimum Streetscape Zone of 33-Foot Wide on Memorial Drive from back of curb to building façade, as shown on the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018, including from back of curb on Memorial Drive: (a) 5-Foot Wide Green Strip; (b) 10-Foot Wide sidewalk; (c) 10-Foot Wide Landscape or Green Space area as a tree planting zone; and, (d) 8-Foot Wide Pedestrian Plaza area at the entrances of the Retail Space and Leasing Office at the building façade fronting Memorial for outdoor furniture, including tables and chairs. The Streetscape Zone shall be subject to approval by Georgia Department of Transportation (GDOT) and the DeKalb County Transportation Division of the Department of Public Works.
8. Provide Benches, Bicycle Racks, Trash Receptacles, and Decorative Lighting within the Streetscape Zone as shown on the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018. Site plan is conceptual. Type and location of Benches, Bicycle Racks, Trash Receptacles, and Decorative Lighting are subject to approval of the Director of Planning and Sustainability Department to ensure consistency for the Kensington area.
9. Provide a Dog Run and Amenity Path area with intermittent Trash Receptacles in the side yard buffer area and adjacent property on the neighboring property at 4203 Memorial Drive between the building façade and Secondary Access Road as shown on the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018.

10. Provide wall signs on Memorial Drive frontage for residential and retail uses consistent with the revised site plans dated 9/5/2018 and submitted to the Planning and Sustainability Department on 9/6/2018; Sheet Title A-101, Sheet Number 1 dated 9/17/2018 and submitted to the Planning and Sustainability Department on 9/19/2018; and as allowable per Chapter 21 of the DeKalb County Code. The building sign shall not exceed 22' 6" in length by 3' 3" in height for a total of 73 sq. ft consistent with the revised site plans dated 9/5/2018 and submitted to the Planning and Sustainability Department on 9/6/2018. All signs shall comply with Chapter 21. No advertising signs shall be permitted on the side or rear of the building facades. The retail signs on the building facades along and fronting on Memorial Drive shall not exceed 2' in height.

11. The property shall be developed consistent with the Landscape Plan (Sheet Title L-01, Sheet Number 6) of the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018. No Crepe Myrtles may be included as Street Trees. Landscaping shall be installed with an irrigation system. The building containing the Building Sign and Metal Overhead Gate enclosing the Limited Access Waste Removal and Delivery area shall be recessed or tiered away from the Streetscape Zone on Memorial Drive to provide room for canopy growth of the tree planting zone within the 10' Landscape or Green Space area of the Streetscape Zone.

12. Waste Removal shall be fully contained and enclosed within the Limited Access Waste Removal and Delivery services area shown on the revised site plans dated 9/28/2018 and submitted to the Planning and Sustainability Department on 10/2/2018 to ensure minimum disturbance of the Streetscape Zone and to limit emittance of noxious odors.