



## Legislation Details (With Text)

**File #:** 2023-0874    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 7/11/2023    **In control:** Board of Commissioners  
**On agenda:** 11/14/2023    **Final action:**  
**Title:** COMMISSION DISTRICT(S): Commission District 03 Super District 07  
Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot - 75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family, detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.

**Indexes:**

**Attachments:** 1. Substitute 2023 11.14 Item 2023-0874, 2. 2023-0874 Substitute Recommended Conditions, 3. 23-10-17 - Maplewood Drive SD - Updated Site Plan, 4. Z-23-1246544 Sept. 2023 Staff Report Maplewood Dr

Date	Ver.	Action By	Action	Result
11/14/2023	1	Board of Commissioners	approved substitute	Pass
9/28/2023	1	Board of Commissioners - Zoning Meeting	deferred for 45 days	Pass
9/12/2023	1	Planning Commission		

### SUBSTITUTE

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

**SUBJECT:**

**COMMISSION DISTRICT(S): Commission District 03 Super District 07**  
**Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family, detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.**

**PETITION NO: N4-2023-0874 Z-23-1246544**

**PROPOSED USE: Construction of single-family, detached homes.**

**LOCATION: 4127, 4139, 4149, 4163 and 4173 Maplewood Drive, Decatur, Georgia 30035.**

**PARCEL NO. : 15-158-02-005, 15-158-02-006, 15-158-02-007, 15-158-02-051, 15-158-02-008 & 15-158-02-009**

**INFO. CONTACT: Adam Chappell, Sr. Planner**

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

**PURPOSE:**

Application of Alex Ciuca c/o Battle Law, P.C. to rezone properties from R-75 (Residential Medium Lot-75) zoning district to RSM (Small Lot Residential Mix) zoning district to allow for the construction of single-family detached homes. The properties are located at 4127-4173 Maplewood Drive in Decatur, Georgia.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval.

**PLANNING COMMISSION:** Two-Cycle Deferral.

**PLANNING STAFF:** Two-Cycle Deferral.

**STAFF ANALYSIS:** The applicant requests to rezone the subject properties from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) to construct single-family, detached dwellings. The subject parcels are located within a Suburban (SUB) Character Area, which supports the proposed rezoning and development (*Comprehensive Plan*, pg. 41). Although the properties surrounding the proposed development are all currently zoned R-75, there is precedent for denser development in the immediate vicinity; there are several extant subdivisions with RSM zoning to the south and east along Wesley Chapel Road. The original site plan submitted with the application proposed up to 33 single-family dwellings; however, in order to have ample time to address several site plan deficiencies, the applicant was granted a 45-day deferral by the Board of Commissioners at a meeting held on September 28, 2023. The revised site plan shows a similar configuration but reduces the total number of proposed detached dwellings to 31 in order to meet open space requirements and address comments from other County agencies. The proposed site plan shows a configuration that appears to be sensitive to existing developments along Maplewood Drive. Said plan contains open space surrounding the proposed dwellings that also serves as a buffer between the proposed dwellings and existing properties. The proposal demonstrates compliance with RSM density requirements. A base maximum density of four (4) dwelling units per acre is permitted; at 8.24 acres, the development site allows for a maximum of 32 units; one more than the number proposed. Approximately 20.2 percent of the site is dedicated to open space, meeting the minimum requirement of twenty percent (20%); most of this open space qualifies as enhanced open space through a system of parks and trails. Staff concludes that the new site plan dated October 18, 2023, addresses all previous deficiencies and presents a concept that would ultimately be compatible with surrounding development. Therefore, the Planning & Sustainability Department recommends approval of the rezoning request with the attached conditions.

**PLANNING COMMISSION VOTE: Two-Cycle Deferral 7-0-0.** Vivian Moore moved, Edward Patton seconded for a 2-cycle deferral to the Jan 2024 zoning agenda, per staff recommendation

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 4-1-1.**