

RESOLUTION NO. _____

BY THE CITY OF CLARKSTON TO REZONE CERTAIN PROPERTY KNOWN AS 3449 CHURCH STREET (PARCEL ID 18-065-06-031) AND 801 GLENDALE ROAD (PARCEL ID 18-065-06-031) FROM LIGHT INDUSTRIAL (I) TO HIGH DENSITY NEIGHBORHOOD RESIDENTIAL (NR-3) – CONDITIONAL.

WHEREAS, the owner of the Subject Property, RBM Decatur LLC (the “Owner”), filed application No. REZ-17-03 for rezoning on June 6, 2017; and

WHEREAS, the City’s Planning & Zoning Board recommend approval of the subject rezoning application; and

WHEREAS, the City Council denied the application to rezone from I to NR-3 on December 5, 2017 while also waiving any limitation on reapplication for rezoning for the Subject Property; and

WHEREAS, in denying the rezoning application previously, the City Council expressed concern about the issue of affordable housing in the City; and

WHEREAS, Owner has offered, as a condition of rezoning, to contribute One Hundred Eighty Thousand Dollars (\$180,000) to the Clarkton Affordable Housing Trust in order to mitigate the impact of development of the Subject Property; and

WHEREAS, the City’s Zoning Ordinance, § 306, authorizes conditional rezoning with the consent of the applicant; and

WHEREAS, Owner initiated case no. 18-CV-1050-5 in DeKalb County Superior Court to appeal the City’s prior denial of the rezoning application; and

WHEREAS, Owner has acknowledged that approval of the subject application would resolve the issues raised in case no. 18-CV-1050-5 such that Owner would voluntarily dismiss such case; and

WHEREAS, all requirements of the Zoning Procedures Law have been met with regard to the subject application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Clarkston that the Subject Property is hereby rezoned to “NR-3 Conditional”; and

BE IT FURTHER RESOLVED that the conditions upon this rezoning of the subject property are as follows:

1. A land-disturbance permit for the Subject Property will not be issued until the City Manager approves a conceptual elevation plan for the proposed townhomes and landscape and site plans for the proposed development;
2. Development of the Subject Property shall adhere to Zoning Ordinance § 703 (b)(3) concerning townhomes, except that the condominium style of ownership shall not be required and the development need not be in conformity with the Georgia Condominium Act;

3. Development of the Subject Property shall adhere to Article XII of the Zoning Ordinance concerning buffers, screening and landscaping;
4. Development of the Subject Property shall comply with Zoning Ordinance Section 703(b)(3)(e) by providing one acre of green space;
5. Owner or the developer of the Subject Property shall contribute One Hundred Eighty Thousand Dollars (\$180,000) to the Clarkston Affordable Housing Trust within (30) days of issuance of a land disturbance permit for the Subject Property – no building permit will be issued until such amount is paid in full; and
6. If the Subject Property is not established as condominiums, a covenant running with the land shall be recorded on the property records of DeKalb County that requires the homeowners association for the Subject Property to maintain the common areas and building exteriors of the Subject Property. A copy of such recorded covenant shall be provided to the City Manager as a precondition to any certificate of occupancy issuing for the townhomes.

SO RESOLVED, this 3rd day of April, 2018.

**CITY COUNCIL
CITY OF CLARKSTON, GEORGIA**

TED TERRY, Mayor

ATTEST:

Tracy Ashby, City Clerk

Approved as to Form:

Stephen G. Quinn, City Attorney