

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP FROM
R-75 TO C-1 (RZ-19-0003) IN LAND LOT 214 OF THE 18th DISTRICT
TO ALLOW FOR A COMMERCIAL DEVELOPMENT.**

WHEREAS: Notice to the public regarding said rezoning have been duly published in The Champion, the Official News Organ of Tucker; and

WHEREAS: A Public Hearing was held by the Mayor and City Council of Tucker on July 22, 2019, August 26, 2019, September 23, 2019, and October 28, 2019;

WHEREAS: The Mayor and City Council is the governing authority for the City of Tucker;

WHEREAS: The Mayor and City Council has reviewed the rezoning request based on the criteria found in Section 46-1560 of the Zoning Ordinance of the City of Tucker;

NOW THEREFORE, the Mayor and City Council of the City of Tucker while in Regular Session on October 28, 2019, hereby ordains and approves Rezoning 19-0003 to allow for commercial development, subject to the following conditions:

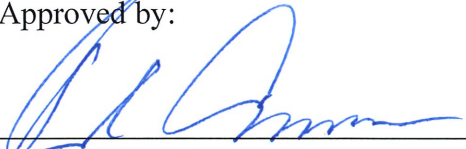
1. The property should be developed in general conformance with the site plan submitted on June 10, 2019 to the Community Development Department, with revisions to meet these conditions. The applicant shall be allowed to build up to 11,200 square feet of building area and 52 parking spaces.
2. The open space behind the drive-thru restaurant shall be designed to meet the requirements for enhanced open space. A landscape plan shall be submitted with the Land Disturbance Permit, subject to the review and approval of the Community Development Director.
3. The storefront for the tenant space on the northeast corner of the site shall integrate a prominent entry feature and building design that activates the corner, with an entrance oriented toward the intersection.
4. The architecture of the development shall incorporate elements that complement the shopping center to the immediate north (Starbucks) and Hearthside. Elements shall include unpainted brick in a similar color, fiber-cement, and metal accents.

5. The development shall be designed and constructed to meet the following standards and design requirements for the DT-3 zoning district:
 - a. Building form and design (3.2.10);
 - b. Streets and streetscapes (3.2.14.C-F);
 - c. Drive-thru facilities (3.2.15.B);
 - d. Parking (Lynburn Drive only) (3.2.16.C.2.a);
 - e. Landscaping (3.2.17);
 - f. Outdoor dining (3.2.18); and
 - g. Outdoor lighting (3.2.19).
6. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip between the drive-thru restaurant and Lawrenceville Highway to screen the appearance of the drive-thru lane from the street.
7. Drive-through canopies and other structures, such as dumpster disclosures, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
8. Speaker boxes shall be pointed away from adjacent residential properties. Speaker boxes shall not play music but shall only be used for communication for placing orders.
9. The drive-thru establishment shall close no later than 11:00 p.m.
10. Prior to issuance of the Land Disturbance Permit, the two parcels shall be combined in accordance with the provision of Chapter 22 of the Code of Ordinances.
11. The development shall be limited to one (1) full access entrance on Railroad Avenue and one (1) right in/right out only driveway on Lawrenceville Highway. The location of said entrances is dependent on adequate spacing and sight distance, and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation (GDOT). The Community Development Director shall be authorized to approve changes to the site plan in regards to the full access entrance and right in/right out entrance that result from requests by the Tucker City Engineer and/or GDOT.
12. Owner/Developer shall install a deceleration lane into the proposed driveway on Lawrenceville Highway, subject to the review and approval of the Tucker City Engineer and GDOT.
13. Owner/Developer shall provide detention, water quality, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.

14. Owner/Developer shall comply with Section 22-34 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum tree density of thirty (30) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.
15. Water and sewer approval are required by the DeKalb County Department of Watershed Management.
16. Developer shall install some form of green stormwater infrastructure, subject to review and approval during the Land Development Permit process.

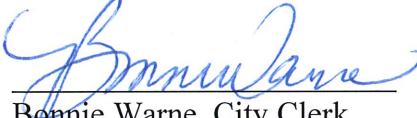
SO EFFECTIVE this 28th day of October 2019.

Approved by:



Frank Auman, Mayor

Attest:



Bonnie Warne, City Clerk