

**DDA**  
**Supporting**  
**Resolution**

**RESOLUTION CONCERNING THE WORTHING COMPANIES  
(WEEKES STREET REDEVELOPMENT)**

THE DEVELOPMENT AUTHORITY OF THE CITY OF DECATUR, a public body corporate and politic, (the "Authority") hereby, after consideration and affirmative vote, adopts this RESOLUTION as of the 8<sup>th</sup> day of March, 2019 (this "Resolution"):

W I T N E S S E T H:

WHEREAS, the Authority was duly created and is validly existing pursuant to the Development Authorities Law of the State of Georgia (O.C.G.A. Section 36-62-1 *et seq.*, as amended) (the "Act");

WHEREAS, under the Act, the Authority has, among others, the powers necessary or convenient to carry out and effectuate the purposes and provisions of Act in furtherance of the public purposes of the Authority (as defined in the Act);

WHEREAS, Developer The Worthing Companies ("Developer") has assembled sixteen (16) parcels representing a total of 4.213 acres at the southern end of Weekes Street below the former Smith Hardware site (the "Property") with the intention to redevelop the Property for multi-family housing as more specifically set forth in the correspondence dated February 26, 2019 and enclosed site plans and surveys collectively attached hereto and incorporated herewith as Exhibit A (the "Weekes Street Redevelopment");

WHEREAS, the Weekes Street Redevelopment is subject to comply with design standards and an adopted regulating master plan of the Mixed Use zoning district of the Avondale MARTA Station area;

WHEREAS, Developer has made several revisions to the Weekes Street Redevelopment, including, at Developer's cost, the dedication of land to the City to allow for the construction of two multi-use trails, reconstruction of and an extension of Freeman Street to comply with public street standards, funding of improvements to Commerce Drive to accommodate Freeman Street connectivity and pedestrian improvements, relocation of existing sewer line, and removal of hazardous materials identified on the Property ("Developer's Improvements");

WHEREAS, the Weekes Street Redevelopment and Developer's Improvements will result in an improved site and support the implementation of the interconnectivity plan that is an essential part of the overall regulating master plan for the district;

WHEREAS, Developer intends to file with the City an application for a variance for reduction in the buffers for "Stream #2" and the elimination of the stream buffer requirements for "Stream #1" as outlined in Exhibit A (the "Variance");

WHEREAS, the Variance requires approval by the Zoning Board of Appeals;

WHEREAS, there are existing structures on the Property that encroach into the stream

buffers for "Stream #1" and "Stream #2";

WHEREAS, Developer's Improvements will restore and enhance stream bank stability, vegetation, and water quality;

WHEREAS, the Authority recognizes that real estate available for a multi-family redevelopment within the City is scarce, that the Property is located in a highly desirable location within Decatur, that the Property is located within a half-mile of a rapid transit station, and that the Property is developable for a multi-family redevelopment that is advantageously as a project for the development of trade, commerce, industry, and employment opportunities in the City as required by and consistent with the purposes and provisions of the Act;

WHEREAS, the Authority recognizes that Weekes Street Redevelopment and Developer's Improvements would expand options to address housing needs within the City benefiting trade, commerce, industry, and employment in the City as required by and consistent with the purposes and provisions of the Act;

WHEREAS, the Authority has evaluated and considered whether the Weekes Street Redevelopment and Developer's Improvements will further trade, commerce, industry, and employment in the City as required by and consistent with the purposes and provisions of the Act;

WHEREAS, the Authority has evaluated and considered whether its conditional support of the Weekes Street Redevelopment and Developer's Improvements will further trade, commerce, industry, and employment in the City as required by and consistent with the purposes and provisions of the Act;

WHEREAS, the Authority has evaluated and considered whether its conditional support of the Weekes Street Redevelopment, including Developer's Improvements and the Variance, will further trade, commerce, industry, and employment in the City as required by and consistent with the purposes and provisions of the Act;

WHEREAS, the Authority has evaluated and considered whether the Weekes Street Redevelopment, including Developer's Improvements and the Variance satisfied the variance criteria set forth in Section 9.2.5B; and,

WHEREAS, this Resolution having come before the Authority for a public hearing pursuant to its rules and governing procedures and in accordance to all applicable laws, including all requisite public notice requirements.

NOW, THEREFORE BE IT RESOLVED, the Authority does hereby resolve and authorize, as follows:

1.

The Authority finds and determines that real estate available for a multi-family

redevelopment within the City is scarce, that the Property is located in a highly desirable location within Decatur, that the Property is located within a half-mile of a rapid transit station, and that the Property is developable for multi-family dwelling use that is advantageously as a project for the development of trade, commerce, industry, and employment opportunities in the City as required by and consistent with the purposes and provisions of the Act.

2.

The Authority finds and determines that the Weekes Street Redevelopment is subject to comply with design standards and an adopted regulating master plan of the Mixed Use zoning district of the Avondal MARTA Station area.

3.

The Authority finds and determines that the Weekes Street Redevelopment and Developer's Improvements will result in an improved site and support the implementation of the interconnectivity plan that is an essential part of the overall regulating master plan for the district.

4.

The Authority finds and determines that the Weekes Street Redevelopment, including Developer's Improvements and the Variance, would expand options to address housing needs within the City benefiting trade, commerce, industry, and employment in the City as required by and consistent with the purposes and provisions of the Act.

5.

The Authority finds and determines that the Weekes Street Redevelopment, including Developer's Improvements and the Variance, will further trade, commerce, industry, and employment in the City as required by and consistent with the purposes and provisions of the Act.

6.

The Authority finds and determines that its conditional support of the Weekes Street Redevelopment, including Developer's Improvements and the Variance, will further trade, commerce, industry, and employment in the City as required by and consistent with the purposes and provisions of the Act.

7.

The Authority finds and determines that Developer's Improvements will include removal of existing structures on the Property that encroach into the stream buffers for "Stream #2".

8.

The Authority finds and determines that Developer's Improvements will restore and enhance stream bank stability, and vegetation, for "Stream #2"1.

9.

The Authority finds and determines that the Developers improvements to "Stream #1" by fully piping it and replacing existing piping sections that currently exist will improve stormwater management, and water quality.

10.

The Authority finds and determines the Property's shape, topography, and other physical conditions prevent land development unless the Variance is granted.

11.

The Authority finds and determines that there are such unusual circumstances associated with the Property, including encroachment of existing structures, stream condition, and stream piping, that strict adherence to the minimal stream buffer requirements would create an extreme hardship.

12.

The Authority finds and determines that the condition from which relief is sought is a result of existing physical conditions of the Property and City-adopted requirements for the Developer's Improvements, and did not result from any action by Developer.

13.

The Authority finds and determines that Developer has documented the unusual hardship should the minimum stream buffers be maintained in regard to the Property.

14.

The Authority finds and determines there is no feasible alternative plan for the Weekes Street Redevelopment that would include Developer's Improvements that is possible that would maintain the minimum stream buffers in regard to the Property.

15.

The Authority finds and determines that the Developer's Improvements include a stormwater management plan that will substantially improve the stormwater management for the Property and environmental conditions of the streams.

16.

The Authority finds and determines that the Developer's Improvements include mitigation of the reduction in minimum stream buffers.

17.

The Authority finds and determines that the shape, size, topography, slope, soils, vegetation and other physical characteristics of the Property justify a grant of the Variance.

18.

The Authority finds and determines that the locations of all streams on the Property, including along property boundaries justify a grant of the Variance.

19.

The Authority finds and determines that the location and extent of the proposed buffer or setback intrusion justify a grant of the Variance.

20.

The Authority finds and determines that there is no feasible alternative plan for the Weekes Street Redevelopment that would include Developer's Improvements that is possible which would require less intrusion or no intrusion.

21.

The Authority finds and determines that the long-term and construction water-quality impacts associated with the Weekes Street Redevelopment, including Developer's Improvements will improve the environmental conditions and water conditions of the Property, the streams, and within the general surrounding area.

22.

The Authority finds and determines that the Variance is at least as protective of natural resources and the environment due to the removal of existing encroachments into the stream buffers and streams, restoration and enhancement of stream bank stability and vegetation, and improvement of the stormwater management and water quality systems.

23.

The Authority supports and approves the Weekes Street Redevelopment, including Developer's Improvements and the Variance, conditioned upon the specifications and plans set forth in Exhibit A.

24.

The Authority supports and approves the Weekes Street Redevelopment and Variance, conditioned upon Developer's Improvements.

25.

The Authority authorizes and directs the Executive Director to submit this resolution and any related documents, including meeting minutes, to the Zoning Board of Appeals as evidence of the Authority's conditional support of the Weekes Street Redevelopment and Variance.

26.

The Authority authorizes the Executive Director, in her discretion, to appear on behalf of and represent the Authority consistent with this resolution at any public hearing on the Weekes Street Redevelopment and Variance.

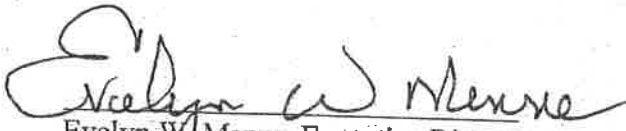
*[Signatures appearing on the following page]*

ADOPTED AND APPROVED this 2 day of March, 2019.

DEVELOPMENT AUTHORITY OF THE CITY  
OF DECATUR

By:   
Christopher Sciarrone, Chair

Attest:

  
Evelyn W. Menne, Executive Director

