



Land Use Petition: RZ-17-003

Date of Staff Recommendation Preparation: November 20, 2017

Community Council: October 11, 2017

Planning Commission: November 30, 2017

Mayor and City Council, 1st Read: December 11, 2017

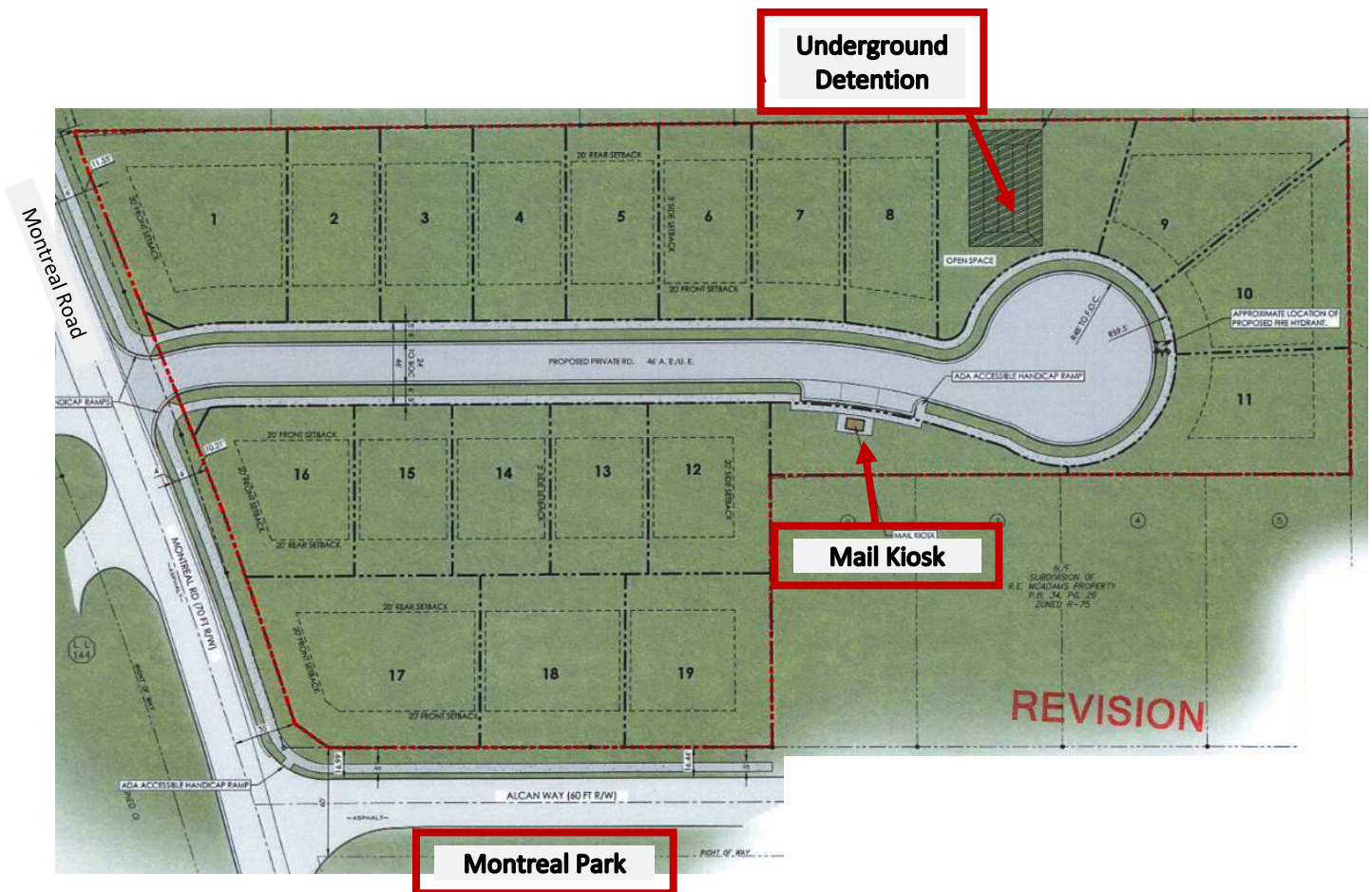
Mayor and City Council, 2nd Read: January 8, 2018

PROJECT LOCATION:	1295, 1303, 1359 & 1365 Montreal Road E.; and 3402 Alcan Way
APPLICATION NUMBER	RZ-17-003
COMPANION APPS.	(VC-17-003-01 withdrawn); VC-17-003-02; VC-17-003-03
DISTRICT/LANDLOT(S):	Land District 18, Land Lot 144
ACREAGE:	3.99 acres
EXISTING ZONING	R-75 (Residential Medium Lot – 75)
EXISTING LAND USE	Vacant land and single-family homes
FUTURE LAND USE MAP DESIGNATION:	SUB (Suburban)
OVERLAY DISTRICT:	NA
APPLICANT:	Dan Cotter (Minerva USA, LLC)
OWNER:	Robert Langford, as Trustee for Eula M. Langford Revocable Living Trust; and Chau Phan
PROPOSED DEVELOPMENT:	Rezoning to RSM for 19 single-family homes; concurrent variances to garage standards and architectural variability.
STAFF RECOMMENDATION:	Approval with Conditions of RZ-17-003 Denial of VC-17-003-02 Denial of VC-17-003-03

PROJECT DATA

The applicant requests to rezone four parcels located off of Montreal Road and one parcel located off of Alcan Way from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) for the development of a 19-unit single-family detached development on 3.99 acres (4.8 units per acre). The 3.99-acre property contains three single-family homes built from the 1940s to 1960s, located on 1.01 acres. The remaining 2.98 acres are vacant and for the most part, are heavily wooded. The site is located due north of Montreal Park, a 9.1-acre neighborhood park.

The RSM zoning district requires 5,000-square foot lots with a minimum house size of 1,200-square feet. The proposal includes 19-single family detached units that range from 2,200 square feet to 2,600 square feet on lot sizes varying from approximately 5,075-square feet to approximately 10,632-square feet. In addition to the 19-units, the plan includes open space which contains the underground detention pond and the mail kiosk area. The site plan shows sidewalks along both sides of the proposed private road and the detention pond is shown towards the northeast rear portion of the site. Elevations submitted by the applicant show the intention to build two-story homes in a mix of materials such as fiber cement siding, stone, cedar, and brick.



Revisions to the site plan were submitted on November 3, 2017, to address issues with the initial plan not meeting the minimum landscape strip area along Montreal Road East; moving the underground detention pond from under the private road to the open space lot; shifting an additional lot towards the

end of the cul-de-sac creating more symmetry; and shifting a few of the lots slightly to maintain the minimum required lot size

The site plan complies with the City of Tucker Zoning Ordinance. Staff notes that the submitted plan depicts an area with a mail kiosk and designated ADA accessible handicap ramp with parking, within the development. The applicant is requesting two concurrent variances regarding architectural variability (VC-17-003-03) and garage standards (VC-17-003-02) for the proposed development.

CHARACTER AREA (Future Land Use)

The subject parcel is located within the Suburban Character Area on the Land Use Map. The Suburban Character Area is designated Low to Medium Density Residential (<8 dwelling units per acre). The intent of the Suburban Character Area is to recognize those areas of Tucker that have developed in suburban land patterns while encouraging increased connectivity and accessibility. These areas include developed areas and areas that are under development pressures due to the lack of land. The applicant is proposing a development consistent with the Character Area, requesting 4.80 dwelling units per acre. While the applicant's request requires a density bonus of 20% over the four dwelling unit per unit acre base, the request is considerably less than the maximum allowable (eight dwelling units) in the Suburban Character Area.

DENSITY BONUS

The maximum allowed density on RSM District zoned property may be increased above the "Base Max" by application of density bonuses. Density provisions are tools to incentivize developers to make improvements that exceed the normal code requirements. The maximum base density in the RSM zoning district is four dwelling units per acre; however, Article 2.12.5 Density and location criteria, allows additional density up to eight dwelling units per acre in the Suburban Character Area with the use of density bonuses in the RSM zoning district.

According to Article 2.12.5, Density and location criteria, the following are mechanisms which can be used to achieve density bonuses:

Public improvements, transit proximity, amenity proximity, sustainability elements, mixed income or mixed age, additional enhanced open space, MARTA rapid transit station, and reinvestment areas.

The applicant is proposing improvements that qualify for 20% density bonuses each including (1) proximity to an existing park (amenity proximity), and (2) an off-site sidewalk from the development northward to Canadian Way (public improvement). The applicant is also proposing additional neighborhood improvements that do not qualify, nor are needed for additional density, such as one-time grooming and under brushing work in Montreal Park to immediate south of the development. The developers are meeting, and exceeding the intent of the density bonus by proposing multiple qualifying improvements, yet only seeking a 20% increase density over the base density.

COMMUNITY COUNCIL REVIEW

The Community Council reviewed the proposed application for rezoning and two concurrent variance requests, on October 11, 2017. Discussions included the concurrent variances and saving specimen trees located on the front three lots. The applicant stated that they would try to preserve the specimen trees,

as feasible. The applicant also explained that the variance request pertaining to the garage consisting less than 45% of the front façade was because they included the interior of the garage and the calculation may go over. The Community Council commented on the commendable nature of outreach between the existing neighborhood residents and the applicant. It should be noted, that in addition to the Community Council meeting, the applicant held their own neighborhood meeting prior to the Community Council meeting.

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	R-75 (Residential Medium Lot – 75)	Montreal Woods Subdivision
Adjacent: East	R-75 (Residential Medium Lot – 75)	Montreal Woods Subdivision
Nearby: West across Montreal Rd.	OI (Office Institutional)	Crescent Medical Center
Adjacent: South	R-75 (Residential Medium Lot – 75)	Montreal Woods Subdivision & Adams
Adjacent: Northwest	MR-2 (Medium Density Residential –2)	Montreal Woods Subdivision
Nearby: South (across Alcan Way)	R-75 (Residential Medium Lot – 75)	Montreal Park & single-family homes (southeast)



Zoning and Aerial Exhibits showing surrounding land uses.

REZONING - CRITERIA TO BE APPLIED:

Criteria (standards and factors) for rezoning decisions are provided in Section 7.3.5 of the City of Tucker Zoning Ordinance. The applicant is required to address these criteria (see application); below are staff's findings which are independent of the applicant's responses to these criteria.

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The proposed development meets the intent of the comprehensive plan (single-family up to 8 units per acre), and would not affect the existing use or usability of adjacent or nearby properties. The subject properties are currently located within the Suburban (SUB) Character Area which supports single-family detached residential and townhomes at up to eight (8) units per acre. The proposal of 19 single-family detached dwellings at 4.8 units per acre complies with the character area. In addition, community objectives are being met by providing an underground detention pond, open space and sidewalks.

2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

Rezoning to RSM (Small Lot Residential Mix) will permit a use that is suitable in view of the use and development of adjacent and nearby properties. While the surrounding neighborhoods are zoned R-75, the area is near a neighborhood park, and Office Institutional zoning across Montreal Road. Rezoning to RSM would allow a transition between the larger lot residential, the neighborhood park to the south of the proposed development, and offices.

The proposed lot size is smaller than the existing lots; however, the minimum proposed unit size is somewhat larger than the existing pattern of development. Approval of the requested rezoning would add another type of housing option in the area, as discussed within the Suburban Character area. While the proposed development is surrounded by R-75 zoning on larger lots, the proposed house sizes are compatible with the existing residences on Canadian Way. Data from the DeKalb Tax Commissioners website shows that the homes on Canadian Way range in size from 1,125 square feet to 1,827 square feet. The minimum house unit size in R-75 is 1,600-square feet; however, most homes located on Canadian Way were built in the 1950s prior to the existing regulations.

The proposed site plan shows a minimum house size of 2,200-square feet to 2,600-square feet heated square feet. This is between 1,000 to 1,400 square feet larger than the minimum unit size required by the RSM zoning district (1,200-square feet). Conditioning approval based on a larger unit size than required by the RSM zoning district would further compatibility with the nearby residential.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject properties have a reasonable economic use as currently zoned.

4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The rezoning will work to create homes of a similar or larger size than the homes located in the existing medium density residential zoning district.

The proposed layout on the north side of the development proposes nine new single-family homes against the backyards of eight existing family homes. In this context, the impact is minimal and the development pattern somewhat similar to the existing lots abutting the proposed development.

5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

There are no known existing or changing conditions that affect the use and development of the five parcels that are a part of this rezoning application.

6. Whether the zoning proposal will adversely affect historic buildings, site, districts, or archaeological resources.

There are no known historic buildings, sites, districts or archaeological resources on the subject properties.

7. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed rezoning will not cause an excessive and burdensome use of existing streets, transportation facilities, utilities, and schools. The proposed unit number did not warrant any kind of traffic impact study as 19 new homes will not create a major impact to the existing street.

The report from DeKalb County Schools stated that only a minimal impact to the schools, especially Tucker High School, would occur if the development is constructed. The proposed development would add six (6) students to DeKalb schools (2 to Brockett ES, 1 to Tucker MS, 1 to Tucker HS, 1 to "other DSCD schools", and 1 to private school).

If approved, a sewer action plan shall be submitted to DeKalb County before the proposed development could move forward.

8. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The proposed zoning request will not adversely impact the environment and surrounding natural resources.

CONCLUSION

The proposed development meets the intent of the comprehensive plan (single-family up to eight units per acre). Overall, the requested land use petition to rezone to RSM is consistent with the recommendations of the Comprehensive Plan, is compatible in use with the surrounding development, and would not create any adverse impacts to the school system, the environment or existing development. Therefore, Staff recommends approval with conditions of the requested rezone.

CONCURRENT VARIANCE (VC-17-003-01)

Concurrent Variance VC-17-003-01, associated with RZ-17-003 is administratively withdrawn from consideration at the public hearing, as it was submitted in error.

The variance proposal requires an administrative variance by the City Engineer, as it is a regulation found within the Land Development Regulations. Sec. 14-190 requires the right-of-way for local streets to be 50' in width. The applicant is requesting a reduction to 46' for a private access/utility easement. Sec. 14-189.1(j) requires that private streets comply with public street standards. The City of Tucker Engineer has reviewed the site plan, and has no objection to the requested 46' access/utility easement width. This will be a private street maintained by the Homeowners Association and all required road improvements including pavement, curb & gutter, sidewalk, and utilities can be accommodated within this width. Approval of the modification to Section 14-190 is completed after the rezoning process is completed.

CONCURRENT VARIANCE (VC-17-003-02)

A concurrent variance has been requested to Article 5.7.5.N, in order to increase the allowed percentage of a street-facing garage from 45% to 50% of the façade, and from the requirement that street-facing garages shall be at least two (2) feet behind the primary front façade.

The City of Tucker Zoning Ordinance stipulates building form and configuration standards for front-facing garages to promote high-quality design. The way the site is designed, with smaller lot sizes, results in two-car garages exceeding 45% of the front façade. However, while the RSM lot width is narrow, there should be enough room to move the garage two feet behind the primary front façade plane.

Criteria for variance approval are provided in Section 7.5.3 of the City of Tucker Zoning Ordinance.

CRITERIA TO BE APPLIED – CONCURRENT VARIANCE

- 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slopes), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The subject site is not unusual in shape, size, narrowness or shallowness. The proposed lots vary in size from 5,074 square feet to 10,632 square feet in area. The lot width at the setbacks range from 50 feet to 104.2 feet. The subject property has no physical hardship; however, the narrow lot width (50 feet) allowed by the RSM zoning district limits the amount of spaces for garages.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

The requested variance goes beyond the minimum necessary to afford relief by allowing a more prominent front facing garage than other new houses.

- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

The granting of the variance would not be materially detrimental to the public welfare or injurious to neighbors. There are existing homes with garages exceeding 45% of the front façade that pre-date the current zoning regulations. The proposed garages would front a private street for all the homes, except for 3 homes located on Alcan Way, which are also located on slightly larger lots.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause undue and unnecessary hardship. However, the narrow lot width allowed by the RSM zoning district limits the amount of spaces for garages along the front façade, making the 45% rule difficult to comply.

5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.

The spirit and purpose of this regulation is to provide for high quality layouts and residential protection by encouraging side or rear-loaded garage or minimizing the appearance of a front facing garage. If the applicant pushes the garage back at least two feet behind the primary front façade plane, they will be able to minimize the appearance of the front facing garage and still work within the narrow lot width allowed by the RSM zoning district.

Conclusion: Because the request does not meet all criteria, staff recommends **DENIAL of VS-17-003-02.**

CONCURRENT VARIANCE (VC-17-003-03)

A concurrent variance has been requested to Article 5.7.5.J, to allow the same façade to be repeated every 4 lots instead of every 8 lots. The City of Tucker Zoning Ordinance stipulates building form and configuration standards to create more architectural variety within developments. The applicant is seeking relief from this requirement due to the small number of units in the development and due to the elongated narrow shape of the overall subject site, surrounded on three sides by existing homes.

Architectural variability dictates that each front façade must differ from adjacent buildings' front façades in at least four (4) of the following six (6) ways:

- The use of different primary exterior materials;
- Variation in the width or height of the front façade by four (4) feet or more;
- Variation of the type, placement or size of windows and doors on the front façades;
- Variations in rooflines, including the use of dormers and changes in the orientation of rooflines;
- Variation in the location and proportion of front porches; and
- Variation in the location or proportion of garages and garage doors.

Criteria for variance approval are provided in Section 7.5.3 of the City of Tucker Zoning Ordinance.

CRITERIA TO BE APPLIED – CONCURRENT VARIANCE

- 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slopes), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The subject site is not unusual in shape, size, narrowness or shallowness. The proposed lots vary in size from 5,074 square feet to 10,632 square feet in area. The lot width at the setbacks range from 50 feet to 104.2 feet. The subject property has no apparent physical hardship.

It should be noted that the applicant submitted four home designs with at least three elevations for each design for a total of fourteen elevations. Therefore, the applicant technically meets the intent of the code, but wants flexibility for their buyers' personal taste. Additionally, there are only 16 homes proposed along the private road. The remaining three homes are on Alcan Way.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

The requested variance goes beyond the minimum necessary to afford relief by allowing homes to be repeated more often than proposed homes in other new developments.

- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

The granting of the variance would not be materially detrimental to the surrounding neighborhood.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause undue and unnecessary hardship, as the applicant already submitted fourteen elevation which could be used and meet the requirements of Section 5.7.5.J.

- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**

The spirit and purpose of this regulation is to provide for high quality layouts and residential protection. The provisions relating to architectural variability are to prevent homogenous developments that lack architectural variety. The use of the fourteen designs submitted could create enough architectural variability to meet the intent.

Conclusion: Because the request does not meet all criteria, staff recommends **DENIAL of VS-17-003-03.**

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-17-003** and **DENIAL of VC-17-003-02 and VC-17-003-03.**

1. Use of the subject property shall be limited to a 19-unit single family detached development (4.80 units per acre), per the 20% bonus density that is allotted for the development proximity to Montreal Park.
2. The property should be developed in general conformance with the site plan submitted on November 3, 2017 to the Community Development Department, with revisions to meet these conditions.
3. Dwellings shall have a minimum heated floor area of 2,200-square feet.
4. Each unit shall provide a minimum two-car garage.
5. The development shall be limited to a single full-access curb cut on Montreal Road. The location of said curb cut is dependent on sight distance and subject to the approval of the Director of Community Development, or designee.
6. Owner/Developer shall install curb & gutter and a six foot (6') wide sidewalk along the entire frontage of Montreal Road and a five foot (5') wide sidewalk along Alcan Way.
7. Owner/Developer shall install a five foot (5') wide sidewalk along both sides of the proposed street.
8. Owner/Developer shall dedicate along the entire frontage of Montreal Road such additional right-of-way to provide thirty-five feet (35') from the centerline or sixteen feet (16') from the back of curb, whichever is greater. The intersection of rights-of-way on Montreal Road at the proposed road and at Alcan Way shall be mitered.
9. 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.
10. The detention pond shall be located on a separate lot and shall be maintained by the Homeowners Association.
11. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum on-site tree density of fifteen (15)

units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.

12. The development of the property is contingent on approval from DeKalb County Department of Watershed Management.

DEPARTMENT COMMENTS

ARBORIST

Site must meet approval of the city of Tucker tree ordinance.

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

No comments provided. A sewer capacity evaluation form and sewer action plan are required.

DEKALB COUNTY FIRE MARSHAL OFFICE

It appears to be in compliance for Fire department access and turn around dimensions.

DEKALB COUNTY SCHOOL SYSTEM

If approved, this development would add 6 students to DeKalb schools. Of those, 2 would attend Brockett ES, 1 would attend Tucker MS and 1 would attend Tucker HS. This development will impact Tucker HS and Tucker MS, which are overcrowded, but the impact will be minimal.

Schools	Total Capacity	Current Enrollment (October 2016)	Students generated from proposed development
Brockett ES	519	462	2
Tucker MS	1,312	1,260	1
Tucker HS	1,747	1,742	1

LAND DEVELOPMENT

1. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Tucker.
 - a. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City of Tucker and DeKalb County.
 - b. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.

2. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Tucker and DeKalb County.

3. Owner/Developer shall provide ADA compliant pedestrian sidewalk along the entire frontage of Montreal Road.

4. The detention pond is required to be on a separate lot and maintained by the Homeowners Association. All stormwater detention, water quality, and channel protection shall comply with the Georgia Stormwater Manual.
5. Development plans shall meet all the requirements of the City of Tucker Development Regulations, Tree Protection, Erosion & Sedimentation Control, Floodplain, and Stream Buffer Ordinances prior to the issuance of a Land Disturbance Permit.
6. Water and sewer approval is required by the DeKalb County Department of Watershed Management.