



City of Tucker

Land Use Petition: RZ-17-004

Date of Staff Recommendation Preparation: December 21, 2017

Community Council: November 8, 2017

Planning Commission: December 28, 2017

Mayor and City Council, 1st Read: January 8, 2018

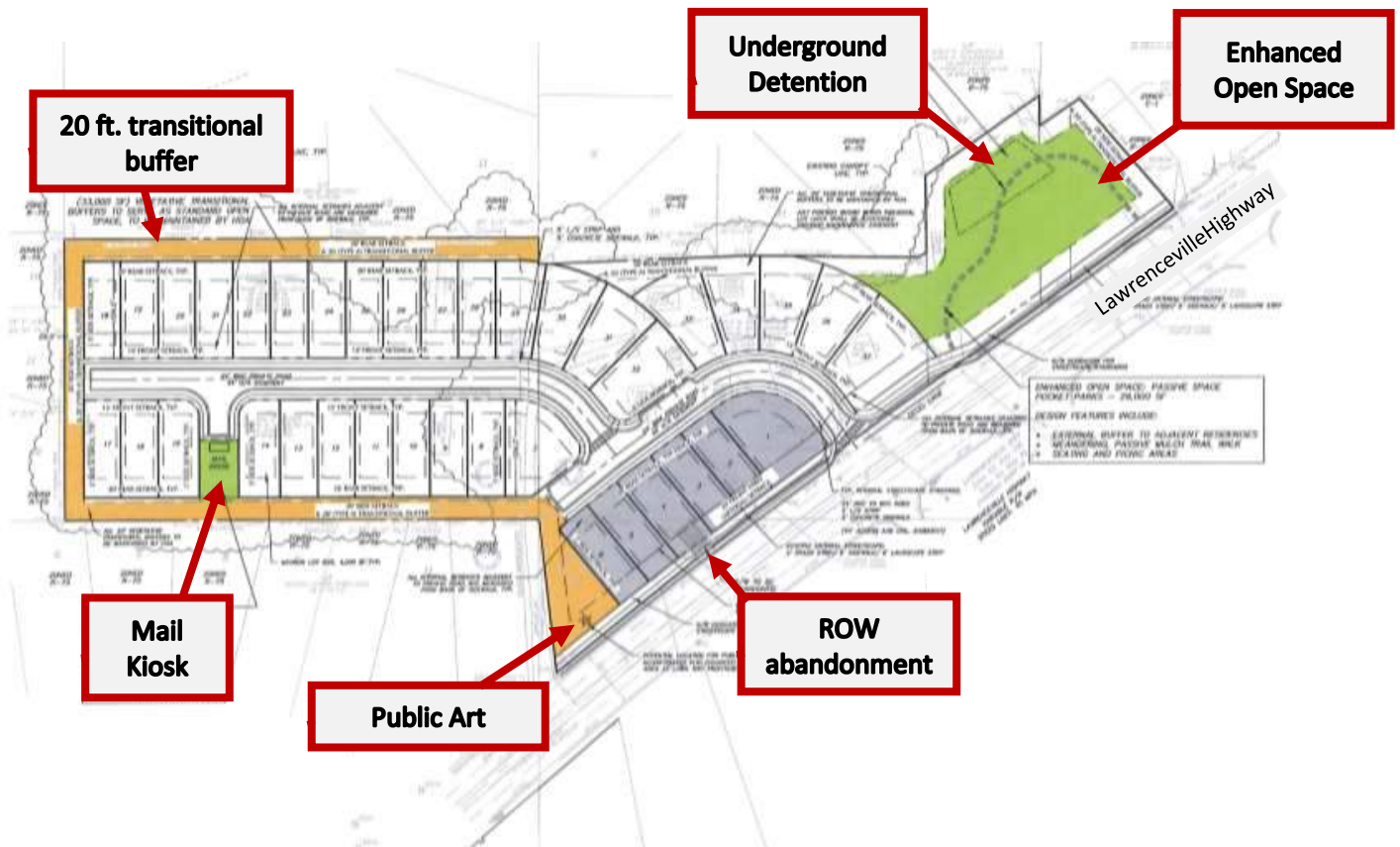
Mayor and City Council, 2nd Read: January 22, 2018

PROJECT LOCATION:	3254, 3298, 3304, 3320 Lawrenceville Highway, and 4448, 4530 Henderson Drive
APPLICATION NUMBER	RZ-17-004
COMPANION APPS.	VC-17-004-01
DISTRICT/LANDLOT(S):	Land District 18, Land Lot 165, 166, 188, 189
ACREAGE:	7.22 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) and CRC (Commercial Redevelopment Corridor)
OVERLAY DISTRICT:	NA
APPLICANT:	Den Webb (Arden Companies)
OWNER:	E. Jackson; B. White; C.L. Strickland Family Trust
PROPOSED DEVELOPMENT:	Applicant intends to build a 37-unit urban single family detached development; concurrent variance to reduce the prerequisite conditions from two to one for Article 5.2.3.B relating to compatibility.
STAFF RECOMMENDATION:	Approval with Conditions of RZ-17-004 Denial of VC-17-004-01

PROJECT DATA

The applicant requests to rezone six parcels located off Lawrenceville Highway, approximately 650 feet from the intersection with Northlake Parkway, from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) for the development of a 37-unit urban, single-family detached development on 7.22 acres (5.13 units per acre). The 7.22-acre property contains eight single-family homes built from the 1920s, 1930s to the 1960s. The remaining land is vacant and for the most part, heavily wooded. The site is located due north of the Avery Hills townhome development, located across Lawrenceville Highway.

Urban Single-Family (detached) located in the RSM zoning district requires 1,350-square foot lots with a minimum house size of 1,100-square feet. The proposal includes 37 urban single family detached units on lot sizes varying from approximately 4,150-square feet to approximately 6,000-square feet. In addition to the 37 units, the plan includes open space which contains the underground detention pond (northeast) and the mail kiosk area (west). The site plan shows sidewalks along both sides of the proposed interior private road. All lots will be accessed internally and will be a mix of front and rear-loaded homes. Six (6) rear-loaded homes with fronts facing Lawrenceville Highway are located in the southwestern portion of the development. A 20-foot transitional buffer is proposed around the north, east and west sides of the proposed development. The applicant also requires some right-of-way abandonment. 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. The applicant illustrates intent to meet the streetscape standards along Lawrenceville Highway. Standards at this location include a 10-foot landscape strip, a 6-foot sidewalk with trees every 50 feet. Staff recommends trees every 30 feet along Lawrenceville Highway to provide a canopy for pedestrians and a sense of place for vehicular traffic.



The applicant originally requested 40 dwelling units at 5.54 units per acre (October 23, 2017 site plan; however, revisions to the site plan were submitted on November 30, 2017, to address issues regarding specimen trees, open space, and deceleration lanes. Revisions include eliminating the three homes from the northeast portion of the parcel creating a larger open space, and reducing the number of homes from 40 to 37 homes. This reduction results in a density of 5.13 dwelling units per acre. The removal of the three easternmost homes shifts the development towards the western end of the property creating more symmetry with existing development. The removal also creates more traffic safety by having all lots accessed from the interior of the development. Previously, the three easternmost lots had access along a deceleration lane, creating life safety and traffic concerns.

The site plan complies with the City of Tucker Zoning Ordinance with the exception of Section 5.2.3, compatibility of new and existing subdivisions. The applicant is requesting one concurrent variance to reduce the prerequisite conditions for compatibility from two to one (VC-17-004-01) for the proposed development.

CHARACTER AREA (Future Land Use)

Five of the subject parcels are located within the Suburban Character Area on the Land Use Map. The current comprehensive plan designates the Suburban Character Area as 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 5.13 dwelling units per acre. The existing Pine Grove subdivision, located to the north is developed at approximately 2.21 dwellings per acre. The Lavista North subdivision located to the north (of the eastern portion of the proposed development) is approximately 2.44 dwellings per acre.

While the applicant’s request requires a density bonus of 28.25% over the four dwelling units per unit acre base, the request is considerably less than the maximum allowable (eight dwelling units) in the Suburban Character Area. Additionally, density bonuses are only allocated in 20% increments.

The easternmost parcel is designated as Commercial Redevelopment Corridor Character Area (CRC). Primary land uses include institutional uses, mixed use and townhomes. Quality community objectives include creating a sense of place, regional identity and environments. This area is proposed as open space on the site plan and may be considered in compliance with the comprehensive plan by providing a local green space creating a sense of place.

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 doctor’s office (civic proximity), and (2) an on-site public art exhibit (public improvement). The developers are meeting, and exceeding the intent of the density bonus by proposing multiple qualifying improvements that would allow up to a 40% density bonus, yet only seeking a 28.25% increase density over the base density. The

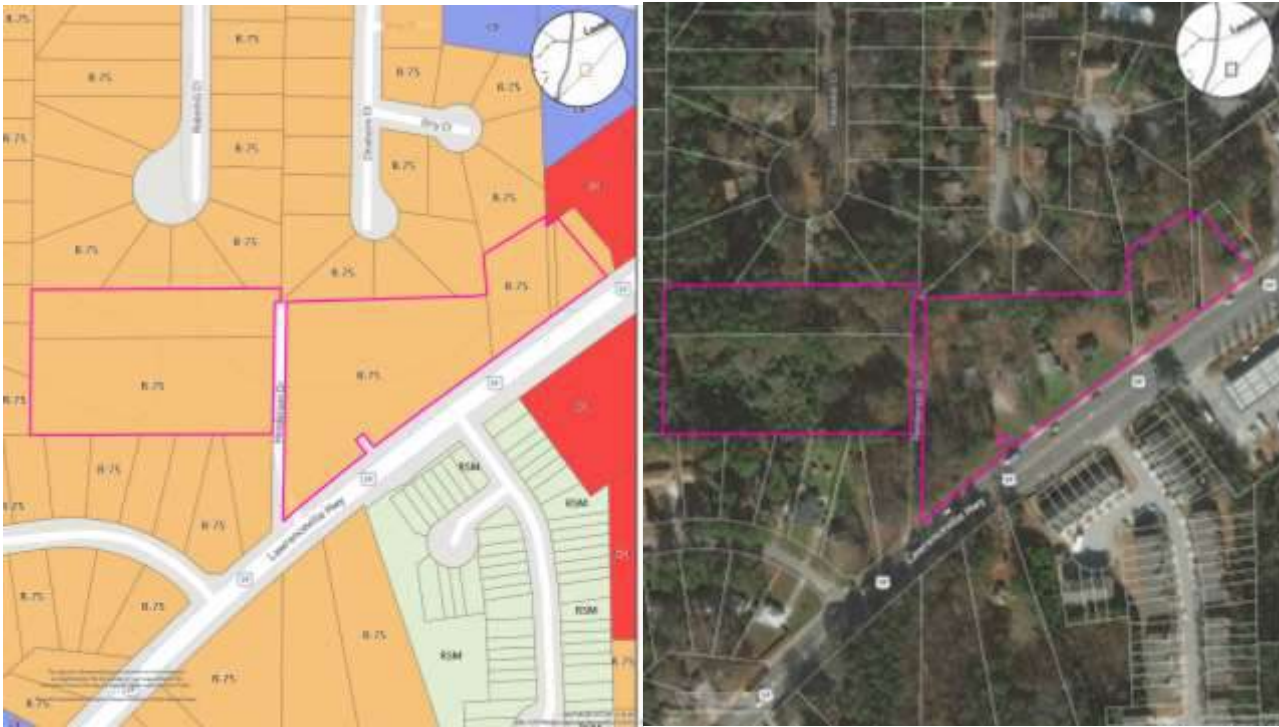
applicant has proffered two density bonuses worth 20% each. The first 20% density bonus is proximity to a healthcare or medical facility within a ¼ mile. The project is within a ¼ mile from an existing pediatrics and family medical doctor facility located at 1918 Northlake Parkway. Staff notes, that while in compliance with the current zoning ordinance, a private medical office may close at any time. The second qualifying 20% density bonus is regarding public art. The proposed art will be located along Lawrenceville Highway within an enhanced open space area, as shown on the site plan. According to the data on the site plan, “the developer has begun the process of looking for local artists to produce an exhibit which encapsulates the city of Tucker”. A specific art has not yet been chosen, however, the applicant will be searching for an art piece appropriate for the site and produced by local artists. The public art is subject to the review and approval of Mayor and City Council.

COMMUNITY COUNCIL REVIEW

The Community Council reviewed the proposed application on November 8, 2017. Discussions included the concurrent variance 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 compatibility between new and existing subdivisions would not be required if they built townhomes. Additional questions from neighbors included price point of the proposed homes. Based upon input from the Community Council regarding specimen trees and deceleration lanes to access the 3 homes fronting Lawrenceville, the applicant revised the plan and removed the 3 homes located in the northeastern portion of the site plan. 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)	Lavista North Subdivision and Pine Grove Subdivision
Adjacent: East	R-75 (Residential Medium Lot – 75)	Vacant – commercial further east
Adjacent: East	C-1 (Local Commercial)	Bojangles and convenience food store
Adjacent: West	R-75 (Residential Medium Lot – 75)	Pine Grove and Maddox Manor Subdivision
Adjacent: South, across Lawrenceville Highway	R-75 (Residential Medium Lot – 75)	Cooledge Hills
Adjacent: South, across Lawrenceville Highway	RSM (Small Lot Residential Mix)	Proposed townhomes (SW)
Adjacent: South	R-75 (Residential Medium Lot – 75)	Maddox Manor Subdivision— South of western portion of property
Adjacent: South	C-1 (Local Commercial)	Quick Trip



Zoning and Aerial Map 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 37 single-family detached dwellings at 5.13 units per acre complies with the SUB character area. The easternmost subject parcel is located in the Commercial Redevelopment Corridor (CRC) Character Area, and is the location of the greenspace with a mulch loop trail, and would not affect the existing use or usability of adjacent or nearby properties.

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. The proposed development is located ±650 feet from the intersection of Northlake Parkway and Lawrenceville Highway. While the surrounding neighborhoods are zoned R-75, the eastern edge of the property is next to C-1 (Local Commercial) zoning, in walking distance to an eating establishment and convenience store. The proposed open space in the northeastern quadrant creates a natural buffer between the existing commercial and proposed residential. Providing transition to

the immediate south, across Lawrenceville Highway is also C-1 (Local Commercial) zoning. Directly south of Lawrenceville is the location of Avery Hills, a townhome development just under 8 dwelling units an acre.

The current pattern of development is distinguished from the proposed development in terms of lot sizes. The proposed development has smaller lot sizes when compared to existing development. Approval of the requested rezoning would add another type of housing option in the area, as discussed within the Suburban Character area. The proposed layout on the north side (eastern portion) of the development proposes 12 new urban single-family homes against the backyards of 4 existing family homes. In this context, the development pattern is dissimilar to the existing lots abutting the proposed development. This dissimilarity is the basis for the requirement of a variance request regarding compatibility. The site plan depicts a 20-foot transitional buffer surrounding the property, thereby providing distance from the existing single-family homes, and meeting one of the components for compatibility of new and existing subdivisions (Section 5.2.3).

The proposed development is surrounded on three sides by R-75 zoning on larger lots for the existing residences on Chisholm Way and Robinhill Court. Data from the DeKalb Tax Commissioners website shows that the homes on Chisholm Way and Robinhill Court generally range in size from $\pm 1,300$ square feet to $\pm 2,000$ square feet. The minimum house unit size in R-75 is 1,600-square feet; however, some of the more modest homes located on Chisholm Way and Robinhill Court were built prior to the existing regulations. The applicant has not yet determined the size of the proposed homes, so the internal heated square foot is currently not known.

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. The current use is for single family homes.

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 site plan depicts a 20-foot transitional buffer surrounding the property, and providing distance from the existing single-family homes.

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 mandate any kind of traffic impact study as 37 new homes will not create a major impact to the existing street. However, the applicant provided a traffic impact study on December 14, 2017.

The report from DeKalb County Schools stated that there would be a minimal impact to the schools if the development is constructed. Tucker Middle and High schools are at capacity. The proposed development would add fourteen (14) students to DeKalb schools (4 to Brockett ES, 2 to Tucker MS, 3 to Tucker HS, 2 to “other DCSD schools”, and 3 to private school).

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

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. Staff recommends establishing a Tree Save area on the eastern open section of the site plan.

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, the environment and existing development. The development provides transitional zoning between the commercial development to the east and single-family to the west of the development. The site plan depicts a 20-foot buffer providing protection for existing single-family homes, and proffers the use of open space as an additional transition between commercial and residential. Therefore, Staff recommends approval of the requested rezone with the conditions detailed later in the report.

CONCURRENT VARIANCE (VC-17-004-01)

The city of Tucker Zoning Ordinance stipulates that lots created as part of a new or redeveloped single-family detached subdivision, containing twenty or more lots, shall be compatible with existing developed single-family lots to which they are adjacent. Compatibility can be demonstrated by two of the following way:

Lot width, lot size, transitional buffer, lot depth.

A concurrent variance has been requested to Article 5.2.3, regarding compatibility if new and existing subdivisions. The City of Tucker Zoning Ordinance stipulates the allowable lot size variability between new and existing developments containing 20 or more lots. The compatibility must be demonstrated by at least two criteria dictated in Section 5.2.3.B. The applicant meets one of the conditions, which is minimum transitional buffer of at least 20 feet.

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 subject property has no physical hardship. The narrow lot width (50 feet) and smaller lot area allowed by the RSM zoning district cannot create a hardship.

- 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 that do not meet the zoning ordinance standards for compatibility.

- 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.

- 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 increases the lot width disparity between the proposed homes and existing homes located on cul-de-sac lots with wide back yards.

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 new lots similar to existing lots. However, the narrow lot width allowed by the RSM zoning district sets up a divergence between the new development and existing development within the Suburban Character Area.

Conclusion: Because the request does not meet all criteria, staff recommends **DENIAL of VC-17-004-01**.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-17-004** and **DENIAL of VC-17-004**.

1. Use of the subject property shall be limited to a 37-unit urban single-family detached development (5.13 units per acre), per the bonus density that is allotted for the proximity to an existing doctor's office and the on-site public art. Failure to install the public art will result in a decrease of permitted density to 4.8 units per acre.
2. The property should be developed in general conformance with the site plan submitted on November 30, 2017 to the Community Development Department, with revisions to meet these conditions.
3. The public art, which is subject to the review and approval of Mayor and City Council, must be installed prior to the issuance of the first Certificate of Occupancy.
4. The six units along Lawrenceville Highway shall be rear-loaded and designed so that their front façade/entry faces Lawrenceville Highway.
5. Dwellings shall have a minimum heated floor area of 2,200-square feet.
6. Each unit shall provide a minimum two-car garage.
7. The applicant shall provide a Tree Save area, outside of the detention area, on the eastern portion of the site plan located in the open space.
8. The right-of-way abandonment of Henderson Drive and the ±611.4 square foot area that protrudes into the subject site along Lawrenceville Highway shall be completed before the issuance of the Land Development Permit.
9. The subject property shall have a mandatory homeowner's association, created by the Developer, that will require, among other things, maintenance of the common open space areas and detention ponds.
10. The development shall be limited to a single full-access curb cut on Lawrenceville Highway. The location of said curb cut should align with Morning Star Lane, is dependent on sight distance, and subject to the approval of the City of Tucker Director of Community Development and the Georgia Department of Transportation.
11. Owner/Developer shall construct a deceleration lane on Lawrenceville Highway into the proposed entrance. Said deceleration shall be one hundred-fifty feet (150') in length with a fifty foot (50') taper.
12. Owner/Developer shall install a six foot (6') wide sidewalk along the entire frontage of Lawrenceville Highway.
13. Owner/Developer shall install a five foot (5') wide sidewalk along both sides of the proposed private street.
14. A minimum setback of twenty feet (20') is required as measured from the back of sidewalk to the face of structure to allow for the parking of a vehicle in the driveway.

15. Owner/Developer shall dedicate along the entire frontage of Lawrenceville Highway such additional right-of-way to provide seventy-five feet (75') from the centerline or sixteen feet (16') from the back of curb, whichever is greater.
16. 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.
17. The underground detention pond shall be located on a separate lot of record.
18. 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.
19. 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

This plan appears to be in compliance with fire code requirements in its current form.

DEKALB COUNTY SCHOOL SYSTEM

If approved, this development would add 14 students to DeKalb schools. Of those, 4 would attend Brockett ES, 2 would attend Tucker MS and 3 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 (November 2017)	Students generated from proposed development
Brockett ES	519	462	4
Tucker MS	1,312	1,260	2
Tucker HS	1,747	1,742	3
Private Schools			3
Other DCSD Schools			2

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, DeKalb County, and the Georgia Department of Transportation.
 - 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.
 - c. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Tucker, DeKalb County, and the Georgia Department of Transportation.
2. Owner/Developer shall provide ADA compliant pedestrian sidewalk along the entire frontage of Lawrenceville Highway.
3. The proposed site plan assumes the abandonment of right-of-way (as shown on the site plan) at Lot #5 by the Georgia Department of Transportation. All setbacks must be measured from the actual right-of-way.
4. The proposed private street shall be designed and constructed to City of Tucker public street standards. The site plan does not appear to comply with the minimum centerline radius of ninety feet (90') for the cul-de-sac.

5. The proposed private street shall have a minimum width of twenty-four feet (24') as measured from back of curb to back of curb.
6. The proposed private street shall have a minimum access/utility easement width of forty-four feet (44').
7. Show common parking spaces for the mail kiosk.
8. 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.
9. Water and sewer approval is required by the DeKalb County Department of Watershed Management.