



Land Use Petition: RZ-17-005

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:	3193, 3207, 3217, 3227, 3259 Lawrenceville Highway, and 3563 Bishop Drive
APPLICATION NUMBER	RZ-17-005
COMPANION APPS.	NA
DISTRICT/LANDLOT(S):	Land District 18, Land Lot 165, 166
ACREAGE:	±9.36 acres
EXISTING ZONING	R-75 (Residential Medium Lot – 75)
EXISTING LAND USE	Single-family homes
FUTURE LAND USE MAP DESIGNATION:	SUB (Suburban)
OVERLAY DISTRICT:	NA
APPLICANT:	Den Webb (Arden Companies)
OWNER:	H. Hoang Tran; C.L. Strickland Family Trust; R. A. McDonald; D. W. McDonald, Executor
PROPOSED DEVELOPMENT:	Applicant intends to build a 64-unit townhome development.
STAFF RECOMMENDATION:	Approval of RZ-17-005 WITH CONDITIONS

PROJECT DATA

The applicant requests to rezone six parcels located off Lawrenceville Highway, approximately 1,200 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 64-unit townhome development on ±9.36 acres (±6.83 units per acre). The ±9.36-acre property contains single-family homes built from the 1930s to the 1950s. Outside of the residences the land is heavily wooded. The site is located due west of the Avery Hills townhome development, also located on the south side of Lawrenceville Highway.

For single-family attached units (i.e., townhomes), the RSM zoning district requires 1,000-square foot lots with a minimum townhouse size of 1,200-square feet. The proposal includes 64 townhome units on lot sizes varying from approximately 2,230-square feet to approximately 3,800-square feet. In addition to the 64 units, the plan includes ±2.42 acres of open space (±25.8%) which contains the underground detention pond, a mail kiosk area, and a tree save area located along Lawrenceville Highway. The site plan shows sidewalks along both sides of the proposed interior private road and the detention pond is shown towards the southwest rear portion of the site. Elevations submitted by the applicant show the intention to build two-story townhomes in a mix of materials such as fiber cement siding, stone, cedar, and brick with mostly front-loaded garages. Staff notes that the 21 townhomes fronting Lawrenceville Highway have rear-loaded garages. 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. A stream buffer is shown on the southeast portion in the site. No homes are encroaching into the stream buffer. A few of the lot lines encroach a few feet into the 75-foot non-impervious stream buffer area. A transitional buffer is proposed on the east, west, and south sides of the development. Transitional buffers in residential neighborhoods are intended to diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses. The site plan complies with the City of Tucker Zoning Ordinance.

CHARACTER AREA (Future Land Use)

The subject parcel is 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 ± 6.83 dwelling units per acre. The applicant's request of ± 6.83 units per acre requires a density bonus of $\pm 70.75\%$ over the four dwelling units per unit acre base, close to the maximum allowable (eight dwelling units) in the Suburban Character Area.

It should be noted that the current Tucker Comprehensive Plan was adopted from DeKalb County when Tucker incorporated; however, the city has transmitted a revised comprehensive plan reflecting the unique characteristics of the city of Tucker. This development proposal is only being reviewed according to the current adopted comprehensive plan and not the proposed comprehensive plan.

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 three (3) total density bonus improvements:

Two improvements that qualify for 20% density bonuses each including

- (1) proposed bus shelter at the front of the property, and
- (2) an on-site public art exhibit (public improvement).

(3) The applicant is also proposing a third density bonus for a 50% density bonus.

The 50% density bonus is for 20% enhanced open space which allows for a 50% density bonus. It should be noted that the enhanced open space is located at the rear of the property, which would not be easily accessed by the development without traversing the neighborhood.

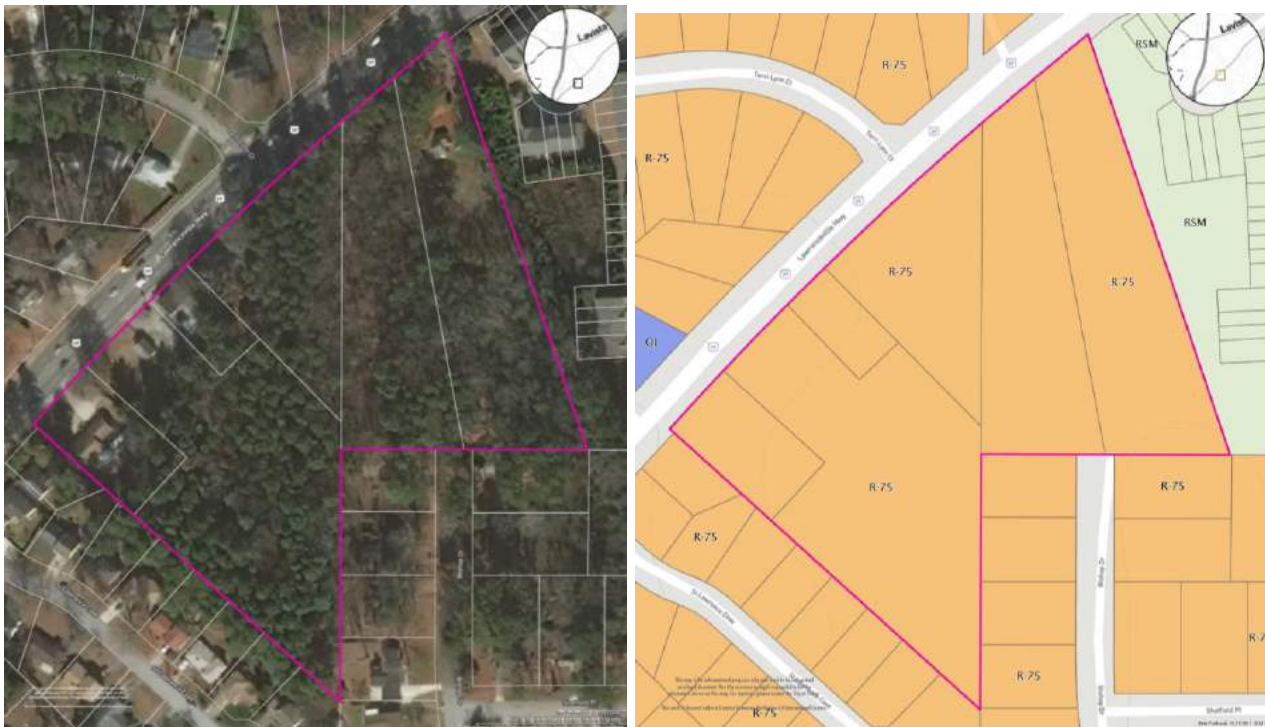
According to the applicant, the developer has begun the process of looking for local artists to produce an exhibit which encapsulates the City of Tucker. A specific piece of art has not yet been chosen, however, the applicant will be searching for an art piece appropriate for the site and produced by local artists.

COMMUNITY COUNCIL REVIEW

The Community Council reviewed the proposed application for rezoning on November 8, 2017. Discussions included saving specimen trees located on the site. Residents of the nearby homes were concerned with the incompatibility with the existing homes to the south and west of the development. The applicant stated that they would try to preserve the specimen trees, as feasible. Additional questions from neighbors included price point of the proposed homes. 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)	Vacant on the NE-subject of RZ-17-004
Adjacent: North	R-75 (Residential Medium Lot – 75)	Single-family homes across Lawrenceville on Terri Lynn Court
Adjacent: East	RSM (Small Lot Residential Mix)	Townhome development – Avery Hills
Adjacent: West	R-75 (Residential Medium Lot – 75)	Single-family homes
Adjacent: West	R-75 (Residential Medium Lot – 75)	Saint Lawrence Cove Single family homes
Adjacent: South	R-75 (Residential Medium Lot – 75)	Single family homes



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 should 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 townhomes at up to eight (8) units per acre. The proposal of 64 townhomes at 6.83 units per acre complies with the character area.

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) could permit a use that is suitable in view of the use and development of some adjacent and nearby properties, if the density was comparable. However in this case, the proposed density begins to change the development pattern of the area. The proposed development is located $\pm 1,200$ 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 RSM (Small Lot Residential Mix). The proposed open space in the southern quadrant creates a natural buffer between the existing single-family homes and proposed residential. Directly east is the location of Avery Hills, a townhome development just under 8 dwelling units an acre.

To the east, the existing Avery Hills townhome development, located to the east of the proposed development is developed at ± 7.9 dwellings per acre. To the west, the 19 single-family homes located along Saint Lawrence Cove, on the western edge of the proposed development is approximately ± 3.22 dwelling units per acre for the ± 5.9 -acre¹ development. Instead of a transition of density between the higher density development of Avery Hills and the moderate density existing homes located on the western edge of the proposed townhome development, the applicant proposes a continuation of Avery Hills' density over the base. Additionally, the single-family homes located to the immediate south of the proposed townhome development are developed at an approximate density of ± 2.10 dwelling units per acre along Sheffield Place, Ronald Road, and Bishop Drive.

The proposed townhomes are essentially an extension of the density of Avery Hills encroaching into the more bucolic single-family density neighborhood, and may affect the quality of life for those residents. The proposed development is surrounded on three sides by R-75 zoning on larger lots, and the proposed townhomes are not creating a transition between the existing townhomes and the single-family homes. A suitable development for transitional density would be 6 dwelling units per acre, or less. This is between the almost ± 8 dwelling units found in Avery Hills and the less than 3.5 dwelling units per acre found along Saint Lawrenceville Cove. Staff proposes a transition of density by limiting the density to 6 dwelling units per acre or less, to ensure a more compatible transition of density, versus a continuation of the highest density farther from the arterial intersections of Lawrenceville Highway and Northlake Parkway.

1. DeKalb County Property Appraiser's / DeKalb County

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 for residential purposes.

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

The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby properties. The rezoning is a continuation of the higher density to the east of the subject property. However, the townhomes are at much higher density than the single-family homes located on the west and south sides of existing medium density residential zoning (R-75) district.

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, and utilities. The proposed unit number did not mandate any kind of traffic impact study as 64 new homes will not create a major impact to the existing street. However, the applicant provided a combined traffic impact study on December 14, 2017.

The report from DeKalb County Schools stated that this proposed development would contribute to the overcrowding of schools if the development is constructed, because Tucker Middle and High schools are at capacity. The proposed development would add twenty-one (21) students to DeKalb schools (8 to Brockett ES, 3 to Tucker MS, 7 to Tucker HS, 3 to "other DCSD schools", and 0 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. The site plan shows townhomes located outside of the stream buffers.

CONCLUSION

The requested land use petition to rezone to RSM is consistent with the recommendations of the Comprehensive Plan, but would not be compatible with the surrounding residential neighborhoods at the proposed 6.83 units per acre. As currently proposed, the development would not pose adverse impacts to the environment. The proposed development would contribute to the over-crowding at DeKalb County school. Staff recommends approval with conditions of the requested rezone. Staff recommends conditioning the density to six (6) dwelling units per acre to create a transition from the higher density development to the east and the more moderate density to the south and west, and to also lessen the impact to DeKalb County schools.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-17-005**.

1. Use of the subject property shall be limited to a 56-unit townhome development (≥ 6 units per acre), per the 50% bonus density that is allotted for the additional enhanced open space.
2. The property shall 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 twenty-one units along Lawrenceville Highway shall be rear-loaded and designed so that their front façade/entry faces Lawrenceville Highway.
4. Dwellings shall have a minimum heated floor area of 1,500-square feet.
5. Each unit shall provide a minimum two-car garage.
6. 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, the 20' transitional buffer, and detention ponds.
7. The development shall be limited to a single full-access curb cut on Lawrenceville Highway. The location of said curb cut should align with Terri Lynn Court, 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.
8. 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.
9. Owner/Developer shall install a six foot (6') wide sidewalk along the entire frontage of Lawrenceville Highway.
10. Owner/Developer shall install a five foot (5') wide sidewalk along both sides of the proposed private streets.
11. 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.
12. 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.
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. The detention pond shall be located on a separate lot of record.
15. 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.
16. 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 be expected to add 21 students to local schools: 8 at Brockett ES, 3 at Tucker MS, 7 at Tucker HS, and 3 at another DeKalb School. Because Tucker Middle and High schools are at capacity, this development would contribute to the over-crowding at these schools.

Schools	Total Capacity	Current Enrollment (November 2017)	Students generated from proposed development
Brockett ES	519	462	8
Tucker MS	1,312	1,260	3
Tucker HS	1,747	1,742	7
Private Schools			0
Other DCSD Schools			3

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. Owner/Developer shall provide a bus shelter on Lawrenceville Highway in coordination with and per MARTA's approval.
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').

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. 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.
8. Water and sewer approval is required by the DeKalb County Department of Watershed Management.