

**APPLICATION**

1ST PROPERTY OWNER:

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>1699 LAND COMPANY LLC</u>	NAME: <u>CECIL L. STRICKLAND FAMILY TRUST</u>
ADDRESS: <u>1424 NORTH BROWN ROAD</u>	ADDRESS: <u>1774 COOLEGE RD</u>
CITY: <u>LAWRENCEVILLE GA</u>	CITY: <u>TUCKER GA</u>
STATE: <u>GA</u> ZIP: <u>30043</u>	STATE: <u>GA</u> ZIP: <u>30004</u>
PHONE: <u>(404) 456-3649</u>	PHONE: <u>(404) 434 5200</u>

CONTACT PERSON: PAUL BARRON PHONE: (404) 456-3649

CONTACT'S E-MAIL: PAUL.BARRON@THESTRTEAM.COM

**APPLICANT IS THE:**

OWNER'S AGENT    
  PROPERTY OWNER    
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R75 REQUESTED ZONING DISTRICT: R5M  
SUBURBAN

PRESENT LAND USE CATEGORY: \_\_\_\_\_ REQUESTED LAND USE CATEGORY: \_\_\_\_\_

LAND DISTRICT(S): 18TH LAND LOT(S): 166 ACREAGE: 2.822

ADDRESS OF PROPERTY: 1774 & 1776 COOLEGE ROAD

PROPOSED DEVELOPMENT: SINGLE FAMILY RESIDENTIAL

CONCURRENT VARIANCES: NONE

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>15</u>	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): <u>2200 SF MIN.</u>	Total Building Sq. Ft. _____
Density: <u>5.315</u>	Density: _____

RECEIVED  
City of Tucker

FEB 02 2018

Community Development  
Department UPDATED 11/2/2017

RZ-18-001

2018-202Z

**APPLICATION**

ZHD PROPERTY OWNER

APPLICANT INFORMATION	OWNER INFORMATION
NAME: _____	NAME: <u>DONALD HARDY</u>
ADDRESS: _____	ADDRESS: <u>1776 COLEEDGE ROAD</u>
CITY: _____	CITY: <u>TUCKER</u>
STATE: _____ ZIP: _____	STATE: <u>GA</u> ZIP: <u>30084</u>
PHONE: _____	PHONE: <u>404 886-7825</u>
CONTACT PERSON: _____ PHONE: _____	
CONTACT'S E-MAIL: _____	

**APPLICANT IS THE:**

OWNER'S AGENT    
  PROPERTY OWNER    
  CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): \_\_\_\_\_ REQUESTED ZONING DISTRICT: \_\_\_\_\_

PRESENT LAND USE CATEGORY: \_\_\_\_\_ REQUESTED LAND USE CATEGORY: \_\_\_\_\_

LAND DISTRICT(S): \_\_\_\_\_ LAND LOT(S): \_\_\_\_\_ ACREAGE: \_\_\_\_\_

ADDRESS OF PROPERTY: \_\_\_\_\_

PROPOSED DEVELOPMENT: \_\_\_\_\_

CONCURRENT VARIANCES: \_\_\_\_\_

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. _____
Density: _____	Density: _____

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FEB 02 2018

Community Development  
Department

UPDATED 11/2/2017

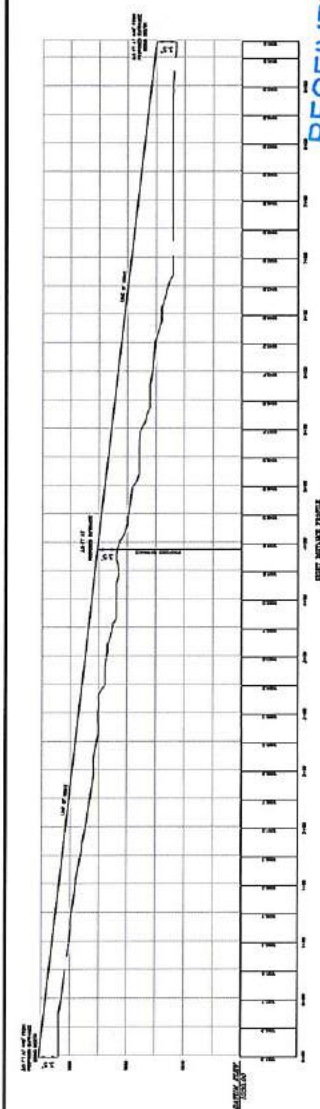
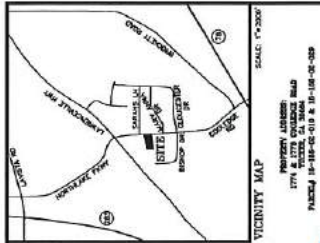
RZ-18-001



NO.	REVISION/DATE	BY	DATE

NO.	REVISION/DATE	BY	DATE

NO.	REVISION/DATE	BY	DATE



**SITE SUMMARY:**  
 TOTAL SITE AREA: 2.622 ACRE  
 ZONING: R75  
 PROPOSED ZONING: RSM  
 TOTAL LOTS SHOWN: 15 UNITS  
 MAX. DENSITY: 4-6 LOTS/AC.  
 FLOOR PLAN DENSITY: 0-5 UNITS/AC.  
 MIN. LOT AREA = 5,000 S.F.  
 MIN. LOT WIDTH = 50 FT.  
 MIN. HEATED FLOOR = 1200 S.F.  
 MAX. LOT COVERAGE = 50%  
 MAX. BUILDING HEIGHT = 35 FT.  
 SIDE YARD = 20 FT.  
 FRONT YARD = 20 FT.  
 REAR YARD = 20 FT.  
 SEPARATION BETWEEN BUILDINGS: 10 FT.

**RECEIVED**  
**City of Tucker**  
**FEB 02 2018**  
**Community Development Department**  
 2018-18-0001

THIS SITE IS LOCATED AT COOLEIDGE ROAD, DEKALB COUNTY THE AREA OF THE TRACT TO BE DEVELOPED IS SHOWN IN RED. THE TRACT IS BOUNDARY BY THE COOLEIDGE CREEK TRIBUTARY "A" VIA DROVES ALONG COOLEIDGE ROAD AND PALMER ROAD. THE TRACT IS 2.622 ACRES. THE SITE IS WOOD HARBORWOOD AND ENCLOSED TREES WITH EXISTING INFRASTRUCTURE.

NOTE:  
 1. NO PORTION OF THIS PROPERTY USE WITHIN A DESIGNATED FLOOD PRONE AREA PER MAP 120600028J.  
 2. PANEL NO. 120600028J, EFFECTIVE DATE MAY 15, 2013.  
 3. EROSION SURVEY PERFORMED BY ACE ENGINEERING, INC.  
 4. TOPOGRAPHIC SURVEY PERFORMED BY ACE ENGINEERING, INC.  
 5. WATER AND SANITARY SEWER SERVICE PROVIDED BY DEKALB COUNTY.  
 6. PROPERTY IS NOT LOCATED WITHIN THE FIRM PART 150 ASSOCIATED WITH THE FIRM PART 150 MAP.  
 7. ASSOCIATED WITH THE FIRM PART 150 MAP, NOT SUPPRESSED.  
 8. CONCEPTUAL STREET LIGHT LOCATION. ACTUAL LOCATION TO BE DETERMINED BY POWER COMPANY.



**FIRM PANEL**  
 1:10000 PANEL NO. OF 848  
 MAP NUMBER 120600028J  
 MAP DATED: MAY 15, 2013

**LEGEND:**  
 1. EXISTING BUILDING FOOTPRINT  
 2. PROPOSED BUILDING FOOTPRINT  
 3. EXISTING DRIVEWAY  
 4. PROPOSED DRIVEWAY  
 5. EXISTING SIDEWALK  
 6. PROPOSED SIDEWALK  
 7. EXISTING CURB  
 8. PROPOSED CURB  
 9. EXISTING UTILITY LINE  
 10. PROPOSED UTILITY LINE  
 11. EXISTING LOT LINE  
 12. PROPOSED LOT LINE  
 13. EXISTING PROPERTY LINE  
 14. PROPOSED PROPERTY LINE  
 15. EXISTING ROAD RIGHT-OF-WAY  
 16. PROPOSED ROAD RIGHT-OF-WAY  
 17. EXISTING TREE  
 18. PROPOSED TREE  
 19. EXISTING FENCE  
 20. PROPOSED FENCE  
 21. EXISTING EROSION CONTROL  
 22. PROPOSED EROSION CONTROL  
 23. EXISTING SIGN  
 24. PROPOSED SIGN  
 25. EXISTING LIGHT FIXTURE  
 26. PROPOSED LIGHT FIXTURE  
 27. EXISTING CONCRETE  
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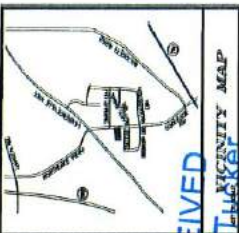
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Engineering, Inc.  
Atlanta Commercial & Residential Engineering  
1000 Peachtree Street, N.E.  
Atlanta, GA 30309  
Tel: (404) 525-1000  
Fax: (404) 525-1001

BOUNDARY SURVEY  
FOR  
B. R. HONER  
FOR

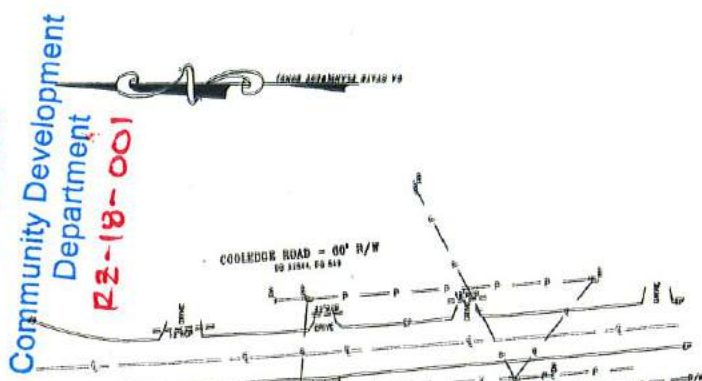
NO.	REVISION/DATE

DATE	1/18/18
PROJECT	BOUNDARY SURVEY FOR B. R. HONER
CLIENT	B. R. HONER
LOCATION	1000 PEACHTREE STREET, N.E. ATLANTA, GA 30309

NO.	DATE

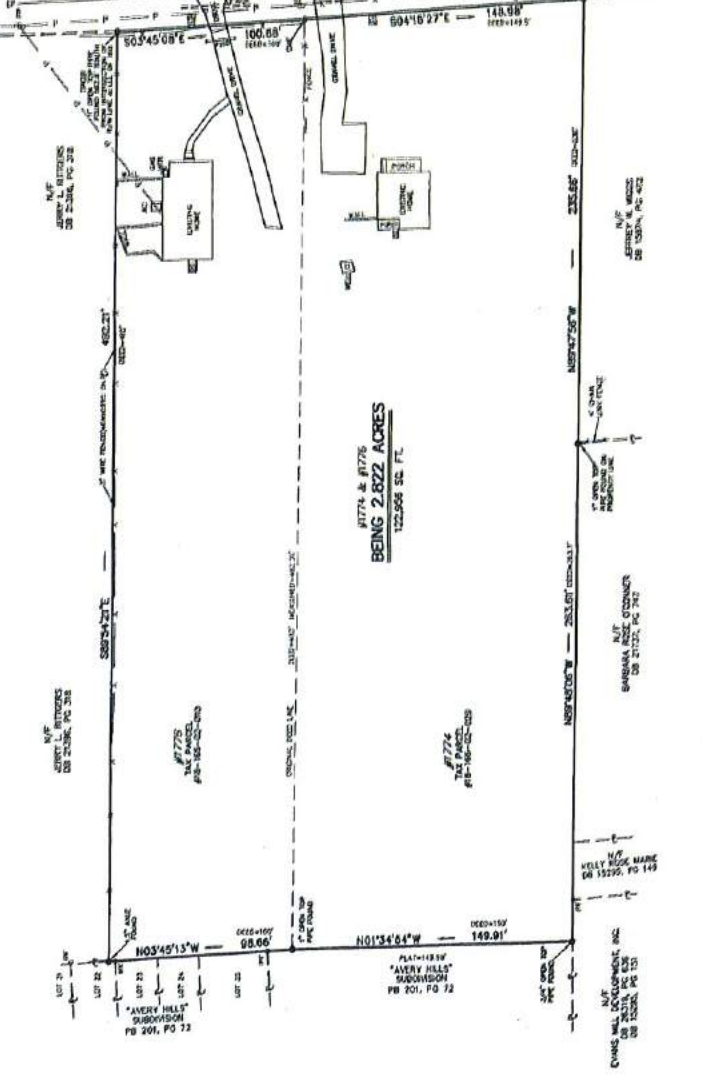


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Department  
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**SURVEYORS CERTIFICATION**  
I, the undersigned, being a duly Licensed Surveyor in the State of Georgia, do hereby certify that I am the author of the foregoing plat and that the same is a true and correct representation of the facts and conditions as shown to me by the parties to the same, and that I am not aware of any fraud or illegality that has been practiced in connection with the execution of the same. I am not a party to the same and I do not know of any fraud or illegality that has been practiced in connection with the execution of the same.  
FOR: [Signature]  
DATE: 1/18/18

**GENERAL NOTES**  
1. REFERENCE TO THIS SURVEY SHOULD BE MADE TO THAT CERTAIN "CERTIFIED" PLAT OF RECORD, DATED 11/18/15, IN THE PUBLIC RECORDS OF CLAY COUNTY, GEORGIA, BEING 122,698 SQ. FT. BEING 2.822 ACRES, BEING ON FILE WITH THE CLERK OF SUPERIOR COURT, CLAY COUNTY, GEORGIA.  
2. REFERENCE TO THIS SURVEY SHOULD BE MADE TO THAT CERTAIN "CERTIFIED" PLAT OF RECORD, DATED 11/18/15, IN THE PUBLIC RECORDS OF CLAY COUNTY, GEORGIA, BEING 122,698 SQ. FT. BEING 2.822 ACRES, BEING ON FILE WITH THE CLERK OF SUPERIOR COURT, CLAY COUNTY, GEORGIA.  
3. THE BEARING STRUCTURE FOR THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN THE FIELD AT THE TIME OF THIS SURVEY AND REFERENCED TO THE GEORGIA STATE PLAT (BEST AVAILABLE COORDINATE DATA).  
4. THE BEARING STRUCTURE FOR THIS SURVEY IS BASED UPON MONUMENTATION FOUND IN THE FIELD AT THE TIME OF THIS SURVEY AND REFERENCED TO THE GEORGIA STATE PLAT (BEST AVAILABLE COORDINATE DATA).  
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TRACT DESCRIPTION FOR 1774 & 1776 COOLEGE ROAD

ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN LANDS LOT 166 OF THE 18th DISTRICT, DEKALB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE TRUE POINT OF BEGINNING LOCATED ON THE 1" OPEN TOP PIPE LOCATED 562.8 FEET SOUTH OF THE RIGHT-OF-WAY LINE OF COOLEGE ROAD (HAVING A 60 FOOT RIGHT-OF-WAY LINE) AND LAND LOT 166; THENCE FROM THE TRUE POINT OF BEGINNING RUNNING ALONG SAID RIGHT-OF-WAY LINE SOUTH 03 DEGREES 45 MINUTES 08 SECONDS EAST A DISTANCE OF 100.88 FEET TO A CONCRETE MONUMENT FOUND; THENCE SOUTH 04 DEGREES 15 MINUTES 27 SECONDS EAST A DISTANCE OF 148.98 FEET TO A POINT; THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND RUNNING THROUGH THE PROPERTIES BELONGING TO JEFFREY W. WIGGS AND S.R. HOMES NORTH 89 DEGREES 47 MINUTES 56 SECONDS WEST A DISTANCE OF 235.66 FEET TO A 1 INCH OPEN TOP PIPE; THENCE RUNNING ALONG THE PROPERTY LINE OF BARBARA ROSE O'CONNOR AND S.R. HOMES NORTH 89 DEGREES 48 MINUTES 06 SECONDS WEST A DISTANCE OF 263.61 FEET TO A ¼ INCH OPEN TOP PIPE ; THENCE DEPARTING SAID PROPERTY LINE AND RUNNING ALONG THE PROPERTY LINE BELONGING TO AVERY HILLS SUBDIVISION AND S.R. HOMES NORTH 01 DEGREE 34 MINUTES 54 SECONDS WEST A DISTANCE OF 149.91 FEET TO A 1 INCH OPEN TOP PIPE ; THENCE NORTH 03 DEGREES 45 MINUTES 13 SECONDS WEST A DISTANCE OF 98.66 FEET TO A 1.5 INCH AXLE; THENCE DEPARTING SAID PROPERTY LINE AND RUNNING ALONG THE PROPERTY LINE BELONGING TO JERRY L. RITTGERS AND S.R. HOMES SOUTH 89 DEGREES 54 MINUTES 21 SECONDS EAST A DISTANCE OF 492.21 FEET A 1 INCH OPEN TOP PIPE LOCATED AT THE TRUE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 122,956 SQUARE FEET, BEING 2.822 ACRES, INCLUDING ALL EASEMENTS.

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Community Development  
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**STATEMENT OF INTENT**

and

Other Material Required by  
City of Tucker Zoning Ordinance  
for the  
Rezoning Application

of

**1699 LAND, LLC**

for

+/- 2.822 acres  
located in  
Land Lot 156 of the 18th District, City of Tucker, GA

Address:  
1774 and 1776 Cooledge Road

Submitted for Applicant by:

Tracey Mason  
Tracey D. Mason, LLC  
295 South Culver Street  
Suite D  
Lawrenceville, GA 30046  
770/963-6909 office  
770-540-7825 direct line  
tracey@tdmasonlaw.com

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Department  
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## I. INTRODUCTION

This Application seeks to rezone +/-2.822 acres of land located in Land Lot 166 of the 18th District, DeKalb County, City of Tucker (the "Subject Property") from Residential Medium Lot(R-75) to Small Lot Residential Mix (RSM). The Subject Property is located on the east side of Cooledge Road, three parcels south of its intersection with Lawrenceville Highway. More particularly, the Subject Property is comprised of two (2) parcels located at 1774 Cooledge Road (Parcel ID: 18-166-02-010) and 1776 Cooledge Road (Parcel ID's: 18-166-02-010, 18-166-02-029). Both parcels are currently zoned R-75.

At present the Subject Property is occupied by two single family structures and undeveloped land. The Applicant intends to redevelop the Subject Property for fifteen (15) Single Family Detached homes and appurtenant site improvements (the "Proposed Development"). The City of Tucker's Comprehensive Land Use Plan designates the Subject Property as Suburban (SUB) which fully allows the proposed RSM zoning and Single Family Detached Residential use.

The Application submits this document as a Statement of Intent with regard to this Application and as written justification for the Application as required by the City of Tucker Zoning Ordinance, Section 7.3.5. A Site Plan has been filed with the original Application, along with the other required materials.

## II. HISTORY



To the Applicant's knowledge, no other zoning applications have been filed concerning the Subject Property. All parcels that comprise the Subject Property were formerly within unincorporated DeKalb County and zoned R-75. In 2016, when the City of Tucker was incorporated, the Subject Property fell within the newly formed city boundaries and was made subject to Tucker's R-75 zoning and Suburban land use designation.

### **III. IMPACT ANALYSIS**

#### **A. WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN**

The City of Tucker has adopted the DeKalb County 2025 Comprehensive Plan (the "Plan") and its associated land use designations pending the development and adoption of its own Comprehensive Plan. The Plan consists of a text and series of maps. The Plan is accompanied by a procedure to link changes in zoning with corresponding changes in the Plan to avoid repeating the situation in which a static land use plan and an evolving zoning map become increasingly out of step with each other. The Subject Property falls entirely within the Suburban land use designation, which is fully consistent and commensurate with the proposed use.

The proposed development of the Subject Property fosters a number of general policies and strategies of the County's Comprehensive Plan, including:

**HP3:** Enhance the County's existing supply of housing.

**SPP2:** Create pedestrian scale communities that focus on the relationship between the street, buildings, and people.

**SPS2:** Create neighborhood focal points through the use of existing pocket parks and squares for community activities.

**SPS5:** Develop and consider corridors and gateways that promote sense of place.

**TP14:** Improve the use and accessibility of mass transit.

**TSI:** Encourage the construction of sidewalks in new developments.

**LUP6:** Ensure that new development and redevelopment is compatible with existing residential areas.

**LUP8:** Improve the aesthetic appearance of developments along major corridors.

**SCAP1:** Protect stable neighborhoods from incompatible development that could alter established residential development patterns and density.

**SCAP9:** Density increases shall be evaluated for their impact on county facilities and shall not degrade the overall quality of service delivery and quality of life for the surrounding established neighborhood.

**SCAS25:** Provide an appropriate mix of housing styles and choices, allowing citizens of different economic levels to reside together.

In summary, the proposed neighborhood serves to implement specific goals, objectives, and policies of the City's Comprehensive Plan. The Project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby properties, in an area which is convenient to shopping, transportation, and recreational facilities. The proposed use, therefore, is suitable *vis-a-vis* the policies of the Comprehensive Plan.

**B. 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.**

Yes. The proposed RSM zoning will allow a use that is complementary to the adjacent uses and the areas as a whole. The site abuts residential properties to the north, south, and west. and the right-of-way of Cooledge Road to the east. To the north of the Subject Property before its intersection with Lawrenceville Highway, lies a QuikTrip gas station and a church. The

RSM zoning will allow a medium density detached single family neighborhood that will complement and enhance the surrounding uses.

In addition, the Proposed Development will be in line with other recent higher-density RSM development in the area, such as the Weston development at 3423 Lawrenceville Highway, with a density of 5.34 units per acre. In contrast, the Proposed Development will have larger lot sizes and larger homes. The Avery Hills townhome development, zoned RSM with a density of 7.92 units per acre is also located on Lawrenceville Highway.

Additionally, the intended final appearance of this development will include appropriate attention to scale, buffering, setbacks, and landscaping so that this development will blend harmoniously with its surroundings. The proposed single family detached homes will provide an elegant and attractive design that will provide much needed upscale housing stock to the surrounding area.

**C. WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED.**

No. The current economic conditions and the development trends in the immediate area necessitate higher-density residential development, making it highly unlikely that the Subject Property can be redeveloped at the current density. Moreover, the Subject Property's location on the heavily traveled Cooledge Road severely limits the ability to develop it under the current R-75 zoning. The development of detached single-family residences fronting the highly-traveled Cooledge Road is not practical, and it is doubtful that the property will be used in the manner in the future. In fact, the recent residential development in the area consists of higher-density uses, such as the Weston development at 3423 Lawrenceville Highway, which is zoned RSM with a density of +/- 5.34 units per acre and the Avery Hills Townhome development, zoned RSM with a density of +/-7.92 units per acre. The Proposed Development and its corresponding RSM

zoning propose a density that even falls below that of these other recent residential developments.

**D. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY OR PROPERTIES.**

No. The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. The Proposed Development provides "off-site" transition from the QuickTrip and the church to the residential development along Coolegge Road. "On-site" transition consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this method of land use planning includes measures such as maintenance of buffers; walls, fences or berms, lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. Many of these devices have been or will be utilized in this application.

The Proposed Development will pay careful attention to scale, buffering, setbacks, and landscaping so that it will blend and complement the adjacent developments. The development will include buffers along the sides that abut the R-75 properties. This transitional buffer will include appropriate landscaping to help mitigate any impacts from the Proposed Development. Accordingly, rezoning the Subject Property to RSM will not adversely affect the nearby existing uses and will enhance the adjacent properties.

**E. 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.**

Its location on a major roadway as a transition from the QuickTrip located at the intersection of Cooledge Road and Lawrenceville Highway, coupled with the actual development that has occurred in the area, make the Subject Property an ideal location for this type of redevelopment. The current zoning limits development to low-density single-family residential, but the trend in the surrounding area has been toward higher density residential and commercial development. The existing single-family structures on the Subject Property are some of the last remaining vestiges of a time when Cooledge Road was less heavily traveled and the surrounding area was closer to a semi-rural environment. In fact, the structures on the Subject Property were constructed more than 60 years ago when low-density single-family residential parcels and farms lined a much smaller Cooledge Road. Today, however, Lawrenceville Highway's existence as a major roadway in the area has helped facilitate the development of the commercial node at its intersection with Cooledge Road (just a few parcels away from the Subject Property). As result, development of the Subject Property under its curent R-75 zoning is not practical, and it is highly unlikely that it will continue to be a low-density residential use in the future.

**F. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFEECT HISTORIC AND BUILDINGS, SITES, DISTRICTS, OR ARCHAEOLOGICAL RESOURCES.**

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources either on the Subject Property. Locate in the immediate vicinity that would suffer adverse impacts from the rezoning requested.

**G. WHETHER THE REQUESTED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.**

No. The Proposed Development will not overly burden existing streets or transportation facilities. According to the ITE Trip General Manual, the fifteen (15) homes proposed will

generate much fewer trips than the Weston development or the Avery Townhomes development already zoned RSM. Furthermore, Cooledge Road is a major roadway more than adequate to accommodate the minor number of additional trips the proposed development will generate. Further, the project is served by mass transit with access to MARTA bus routes.

As for utilities, the Subject property has access to water and sewer. Finally, the proposed development will not create an excessive or burdensome use of the community's schools, adding only fifteen homes.

**H. WHETHER THE ZONING PROPOSAL ADVERSELY IMPACTS THE ENVIRONMENT OR SURROUNDING NATURAL RESOURCES.**

The Applicant will comply with all federal, state, and City regulations relating to environmental protection to ensure that the proposed development will not adversely affect the environment.

**IV. DENSITY BONUS**

Pursuant to section 2.12.5 of the Tucker Zoning Ordinance, the maximum density bonus may be increased through the special application of density bonuses as in indicated in table 2.6. The maximum base density under the RSM zoning is four (4) units per acre, which may be increased up to eight (8) units per acre with density bonuses. (See City of Tucker Zoning Ordinance, Table 2.4.) Through a combination of two (2) qualifying density bonus categories, the applicant is proposing a density of 5.315 units per acre.

The applicant proposes to install a crosswalk on the East Side of the intersection of Lawrenceville Highway, Cooledge Road, and Northlake Parkway. This cross walk will be

permitted through the Georgia DOT and installed during the development of the neighborhood and before a final plat is issued. This would qualify for a 20% density bonus. (See "Exhibit 1").

The applicant also proposes to install sidewalks on the West side of Cooledge Road between the intersection of Lawrenceville Highway, Cooledge Road, and the proposed development. These sidewalks will be permitted through The City of Tucker and installed during the development process and before a final plat is issued. (See "Exhibit 2").

In total these design features would provide for individual bonuses that achieve an overall density of 5.6 units per acre, although the proposed neighborhood's resulting density is less at 5.315, producing 15 homes on the Subject Property.

#### **V. CONCLUSION**

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from the Staff or other officials at the City of Tucker so that such recommendations or inputs might be incorporated as conditions of approval of this Application.

This 2nd day of February, 2017.

Respectfully submitted,

TRACEY D. MASON, LLC



---

By: Tracey D. Mason  
Attorney for Applicant

Tracey D. Mason, LLC  
295 South Culver Street  
Suite D  
Lawrenceville, GA 30046  
770/963-6909  
[tracey@tdmasonlaw.com](mailto:tracey@tdmasonlaw.com)



## MEMORANDUM

TO: City of Tucker, Department of Community Development

FROM: Tracey D. Mason, Tracey D. Mason, LLC  
Attorney-at-law

DATE: February 2, 2018

RE: Environmental Site Analysis - 1774 and 1776 Cooledge Road

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### 1) CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The Subject Property is located on the east side of Cooledge Road, south of its intersection with Lawrenceville Highway. More particularly, the Subject Property is comprised of two (2) parcels located at 1774 Cooledge Road and 1776 Cooledge Road. Both parcels of the Subject Property are currently zoned R-75.

At present, the Subject Property is occupied by two single family residences and undeveloped land. The Applicant seeks to rezone the Subject Property to Small Lot Residential Mix (RSM) to develop fifteen (15) single family detached homes and appurtenant site improvements. The City of Tucker's Comprehensive Land Use Plan designates the Subject Property as Suburban (SUB) which fully allows the proposed RSM zoning and single family detached home use.

The City of Tucker has adopted the DeKalb County 2025 Comprehensive Plan (the "Plan") and its associated land use designations pending the development and adoption of its own Comprehensive Plan. The Plan identifies the Suburban designation as:

"The Suburban (SUB) Character Areas include those areas that have developed in traditional suburban land use patterns and are developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns.

The primary land uses include: **Single Family Detached Residential**, Townhomes, Apartments, Assisted Living Facilities, Neighborhood retail, Schools, Libraries, Health Care Facilities, Parks and Recreational Facilities, Public and Civic Facilities, and Religious Institutions with a density of **0 to 8 dwelling units per acre.**"

The Proposed Development meets the intent of the Suburban character area by providing 15 single family detached homes on 2.822 acres, which equates to a density of 5.315 units per acre. The project at issue represents a consistent use commensurate with other existing uses on adjacent and nearby property, in an area which can be characterized as transition from the commercial node at Lawrenceville Highway and Cooledge Road. The proposed use, therefore, is suitable *vis-a-vis* the policies of the Comprehensive Plan.

## 2) **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT**

### a) **Wetlands**

There are no wetlands on the property based on site observations and as indicated by the boundary survey provided by ACR Engineering, Inc., dated December 14, 2017.

### b) **Floodplain**

No portion of the site is located in the Special Flood Hazard Area based on site observations and as indicated by the boundary survey provided by ACR Engineering, Inc., dated December 14, 2017.

### c) **Stream/stream buffers**

There are no state waters present on the Subject Property based on site observations and as indicated by the boundary survey provided by ACR Engineering, Inc., dated December 14, 2017.

### d) **Slopes exceeding 25 percent over a 10-foot rise in elevation**

Based on topographic survey and site observation, there are no slopes in excess of 25% over a 10-foot rise on the Subject Property.

### e) **Vegetation**

The project site consists of two parcels with existing single family homes with typical residential landscaping. The Existing vegetation on the undeveloped portions of the site consists primarily of trees and low lying brush.

f) **Wildlife Species (including fish)**

Based on an IPaC Trust Resource Report, no endangered species are indicated to be found in the area. It is reported that there are several species of migratory birds in the region. None were found to be present or nesting at the project location during site visits.

g) **Archeological/Historic Sites**

The project site is not reported to be on a historic or archaeological registry. The site consists of two existing single family homes constructed between the 1940's and 1950's.

3) **PROJECT IMPLEMENTATION MEASURES**

a) **Protection of environmentally sensitive areas, i.e. floodplain, slopes exceeding 25 percent, river corridors**

The project is a redevelopment of two individual parcels containing single family detached homes. The proposed site design by ACR Engineering, Inc., dated December 14, 2017, (the "site plan") shows that there are no environmentally sensitive areas such as floodplains, the described slopes, or river corridors.

b) **Protection of water quality**

The proposed project will treat stormwater for pollutants and release runoff at a wooded condition flow rate. The overall impact to the downstream stormwater infrastructure will be positive, as no stormwater treatment currently exists.

c) **Minimization of negative impacts on existing infrastructure**

The Proposed Development has access to existing utilities with sufficient capacity to support the Proposed Development. The Proposed Development is not anticipated to overly burden existing utilities.

d) **Minimization on archaeological/historically significant areas**

No archaeological/historically significant areas were identified on or adjacent to the site and, as a result, no impacts are anticipated.

e) **Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (eg, solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (eg, landfills, quarries and manufacturing facilities) uses.**

No environmentally stressed areas exist in the immediate vicinity (waste treatment facilities, airports, railroads, landfills, etc.).

f) **Creation and preservation of green space and open space**

The proposed development is considering the use of walking trails around the detention facility.

g) **Protection of citizens from the negative impacts of noise and lighting**

A 20' rear setback will separate the proposed development from the adjacent homes. The setback will include landscaping designed to minimize noise and lighting impacts to nearby properties.

h) **Protection of parks and recreational green space**

No existing parks will be impacted.

i) **Minimization of impacts to wildlife habitats**

No sensitive wildlife areas were observed during site visits and as a result no impacts are anticipated.


**APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

  
Signature of Applicant

2-1-2018  
Date

Alex G. Tetterton, Manager  
Type or Print Name and Title

  
Signature of Notary Public

2/1/18  
Date



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Department

22-18-001

**PROPERTY OWNER'S CERTIFICATION**

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

I, Donald Lloyd Hardy, authorize, 1699 Land Company, LLC,  
(Property Owner) (Applicant)

to file for RSM, at 1776 Cooledge Road Tucker Ga. 30084  
(RZ, CA, SLUP, CV) (Address)

on this date FEBRUARY, 1, 2018  
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Donald L. Hardy 02-01-2018  
Signature of Property Owner Date

Donald L. Hardy Property Owner  
Type or Print Name and Title

[Signature] 2/1/18 JAMAR WHITE  
Signature of Notary Public Date NOTARY PUBLIC  
Newton County  
State of Georgia  
My Comm. Expires Feb. 27, 2021  
Notary Seal

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City of Tucker

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UPDATED 11/2/2017  
Community Development  
Department

RZ-18-001

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Emily H. Strickland & Lana S. Sachsenmaier  
I, "Cecil L. Strickland Family Trust", authorize, 1699 Land Company, LLC  
(Property Owner) (Applicant)

to file for RSM at 1774 Cooledge Road Tucker Ga. 30084  
(RZ, CA, SLUP, CV) (Address)

on this date FEBRUARY, 2, 2018  
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
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*[Handwritten Signature]*

2/2/18

Signature of Property Owner

Date

LANA S. SACHSENMAIER Trustee

Type or Print Name and Title

*[Handwritten Signature]*

2-2-2018

Signature of Notary Public

Date

Notary Seal



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### DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (if party to petition, complete sections 2, 3 and 4 below)

**In Opposition to Petition** (if in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- |                           |    |
|---------------------------|----|
| 1. 1699 Land Company, LLC | 5. |
| 2.                        | 6. |
| 3.                        | 7. |
| 4.                        | 8. |

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Alex G. Tetterton  
Signature: *Alex G. Tetterton* Date: 2-1-2018



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### DISCLOSURE REPORT FORM

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In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. 1699 Land Company, LLC	5.
2. Cecil L. Strickland Family Trust	6.
3. Donald Lolyd Hardy	7.
4.	8.

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Name (print) Alex G. Tetterton

Signature: Alex G. Tetterton Mgr. Date: 2-1-2018

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**In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- |                         |    |
|-------------------------|----|
| 1. Emily H. Strickland  | 5. |
| 2. Lana S. Sachsenmaier | 6. |
| 3.                      | 7. |
| 4.                      | 8. |

3. CAMPAIGN CONTRIBUTIONS: *No Contributions made*

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

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Name (print) LANA S. SACHSENMAIER  
Signature: *Lana S. Sachsenmaier* Date: 2/2/18

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WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

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- |                                     |    |
|-------------------------------------|----|
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| 2. Cecil L. Strickland Family Trust | 6. |
| 3. Donald Lolyd Hardy               | 7. |
| 4.                                  | 8. |

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Name (print) Lana S. Sachsenmaier  
Signature: *Lana S. Sachsenmaier* Date: 2/2/18

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**In Opposition to Petition** (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- |                       |       |
|-----------------------|-------|
| 1. Donald Lloyd Hardy | 5.    |
| _____                 | _____ |
| 2.                    | 6.    |
| _____                 | _____ |
| 3.                    | 7.    |
| _____                 | _____ |
| 4.                    | 8.    |
| _____                 | _____ |

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Name (print) Donald L. Hardy  
Signature: Donald L. Hardy Date: 02-04-2018

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### DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

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Name (print) Donald L. Hardy  
 Signature: Donald L. Hardy Date: 02-01-2018



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Community Development  
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**PRE-APPLICATION FORM**  
**REZONING, COMPREHENSIVE PLAN AMENDMENT,**  
**SPECIAL LAND USE PERMIT, AND CONCURRENT VARIANCE**

**Purpose & Process**

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). Please contact Courtney Lankford at [clankford@tuckerga.gov](mailto:clankford@tuckerga.gov) to schedule an appointment. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: 1699 Land Company

Site Address: 1774 + 1776 Cowledge Parcel Size: 2.8

Proposal Description: 15 Unit SFD

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Existing Zoning Designation and Case Number: R-75

Proposed Zoning Designation: R5M

Comprehensive Land Use Map Designation: SUB

Overlay District: NA

Staff: Courtney Smith Date: 12-14-17