



**Land Use Petition:** RZ-18-001

**Date of Staff Recommendation Preparation:** April 16, 2018

**Community Council:** March 14, 2018

**Planning Commission:** April 26, 2018

**Mayor and City Council, 1<sup>st</sup> Read:** May 14, 2018

**Mayor and City Council, 2<sup>nd</sup> Read:** May 29, 2018

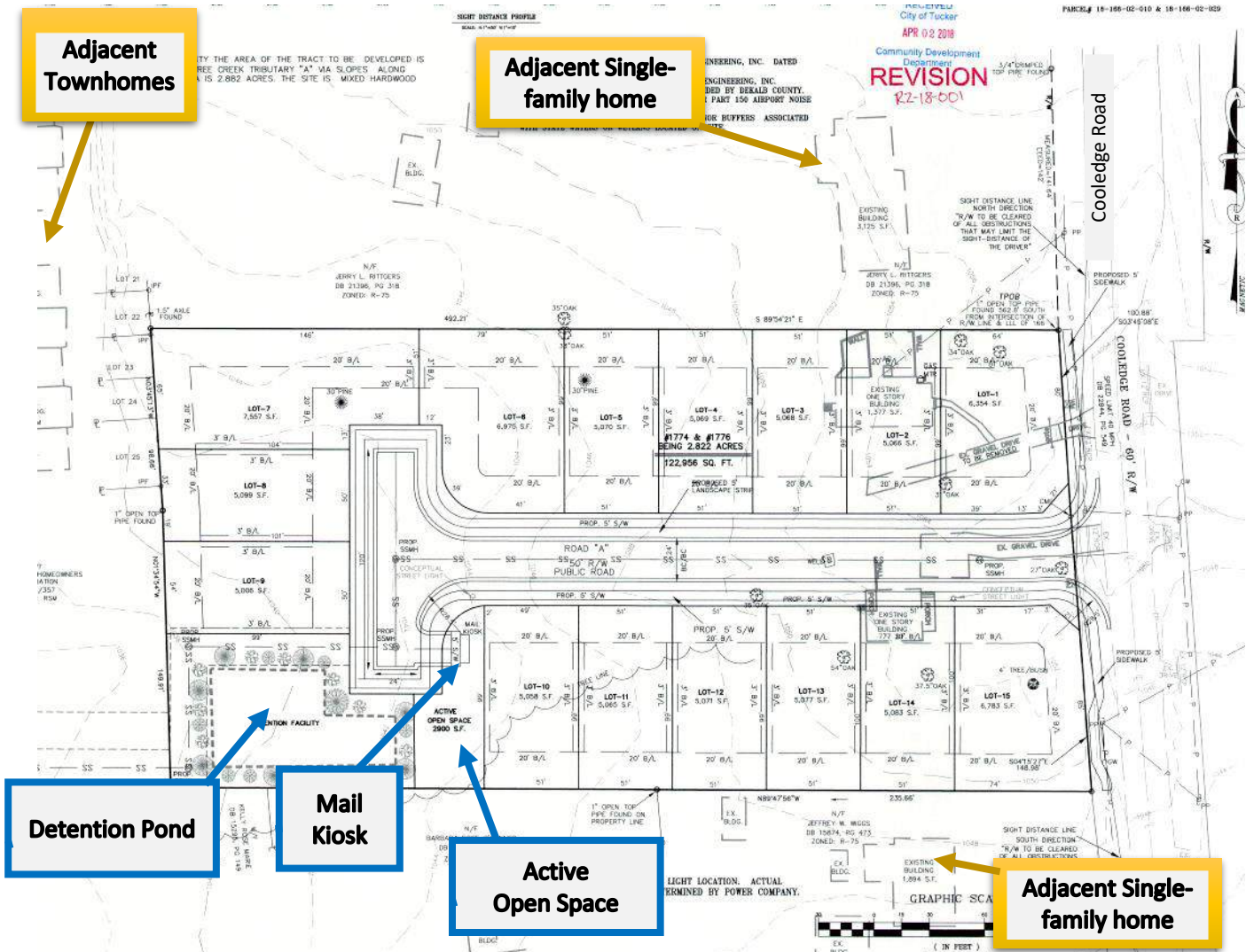
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<b>PROJECT LOCATION:</b>	1774 Cooledge Road 1776 Cooledge Road
<b>APPLICATION NUMBER</b>	RZ-18-001
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 166
<b>ACREAGE:</b>	±2.82 acres
<b>EXISTING ZONING</b>	R-75 (Residential Medium Lot – 75)
<b>EXISTING LAND USE</b>	Single-family homes
<b>FUTURE LAND USE MAP DESIGNATION:</b>	SUB (Suburban)
<b>OVERLAY DISTRICT:</b>	NA
<b>APPLICANT:</b>	Paul Baron (1699 Land Company, LLC)
<b>OWNER:</b>	Cecil L. Strickland Family Trust & Donald Hardy
<b>PROPOSED DEVELOPMENT:</b>	Applicant intends to build a 15 unit conventional single-family detached residential development.
<b>STAFF RECOMMENDATION:</b>	<b>Denial of RZ-18-001</b>

**PROJECT DATA**

The applicant requests to rezone two parcels located off Cooledge Road, approximately 1,100 feet from the intersection with Lawrenceville Highway, from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) for the development of a 15-unit conventional single-family detached development on ±2.82 acres (5.32 units per acre). The ±2.82-acre property contains two single-family homes built in 1955 and 1962, according to the DeKalb County Property Appraiser’s Office.

Conventional Single-Family detached located in the RSM zoning district requires 5,000-square foot lots with a minimum house size of 1,200 square feet. The proposal includes 15 conventional single-family detached units on lot sizes varying from approximately 5,006 square feet to approximately 7,557-square feet. In addition to the 15 units, the plan includes a 2,900 square-foot open space area next to the mail kiosk and an above-ground detention pond (southwest). The site plan shows sidewalks along both sides of the proposed interior private road. All lots will be accessed internally. Streetscape Dimensional Standards at this location include a 6-foot landscape strip, and a 5-foot sidewalk with trees every 30 feet along the new internal road.



The site is located due east of the southeastern portion of the Avery Hills townhome development, located on the south side of Lawrenceville Highway. Due north is a single-family home built in 1964, on a ±1.6-acre lot. Further north is a church (Living Grace Evangelical), followed by a bank / offices with frontage on Lawrenceville Highway. East across Cooledge Road are single-family homes built from the 1940s through 1960s. Located to the immediate south are single-family homes built in the 1950s and 1960s on lots approximately one acre in size.

**CHARACTER AREA (Future Land Use)**

The Georgia Department of Community Affairs provides guidelines to local jurisdictions to identify both existing and potential character areas in the community. As a part of their comprehensive plan, Character areas focus on how the way an area looks and how it functions. The comprehensive plan may also develop strategies to preserve existing areas such as traditional neighborhoods.

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 ±5.32 dwelling units per acre. While the applicant’s request requires a density bonus of 33% over the four dwelling units per unit acre base, the request is considerably less than the current maximum allowable (eight dwelling units) in the Suburban Character Area. Additionally, density bonuses are only allocated in 20% increments. The properties to the immediate north, west and south of the subject properties are also located within the Suburban Character Area and developed with single-family homes.

Properties within the Commercial Redevelopment Corridor (CRC) is located ±135 feet north of the subject site. The southwest quadrant of this CRC Character Area is the location of a place of worship (Living Grace Evangelical Church), a gas station and bank.

**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 applied. Article 2 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.

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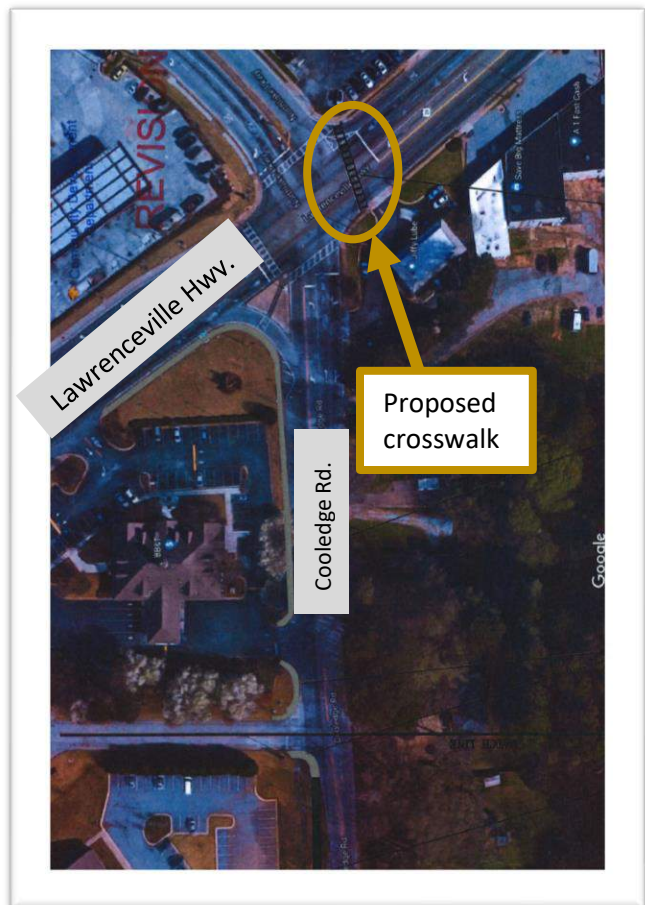
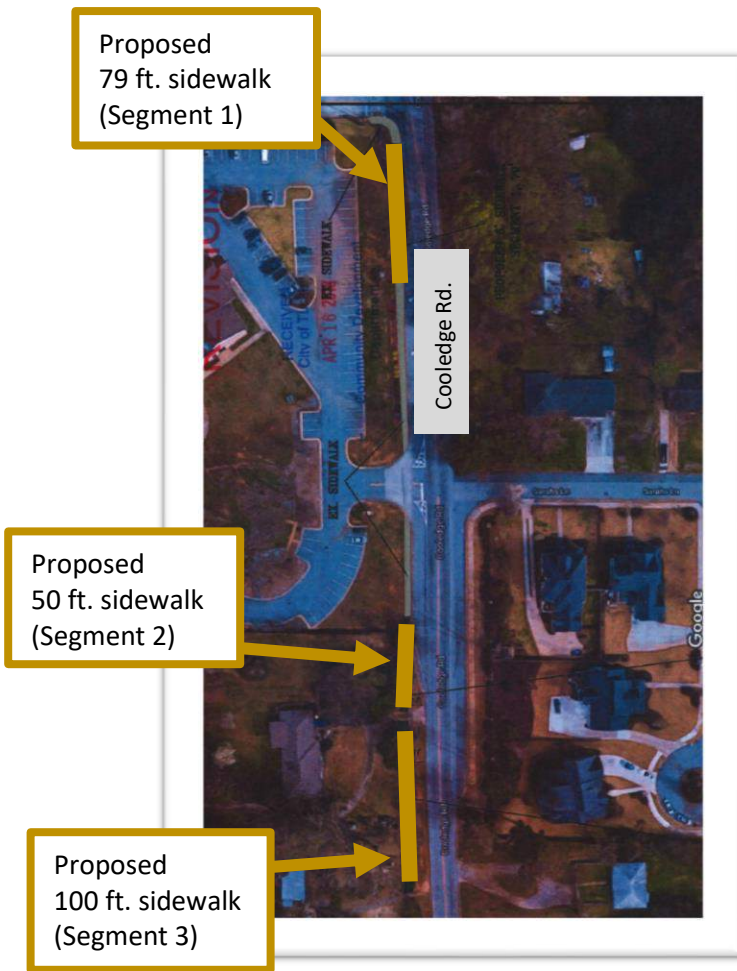
Sidewalk Addition on Cooledge Road

APR 16 2018

Community Development  
Department

Segment Number	Sidewalk Design Width	Sidewalk Design Length	Landscape Strip Design Width	Street Tree Spacing
1	6'	79'	11'	50'
2	6'	50'	11'	50'
3	6'	100'	11'	50'
Total		229'		

REVISION



*Applicants Proposal for Density Bonuses*

The applicant is proposing improvements that qualify for 20% density bonuses each including (1) off-site sidewalks along the west side of Cooledge Road providing sidewalk connectivity to Lawrenceville Highway (public improvement), and (2) a crosswalk across Lawrenceville Highway that will meet GDOT standards (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 33% density increase over the base density. The applicant is also proposing an 11-foot landscape strip; however, Zoning Ordinance, Table 5.1, Required Streetscape Dimensions, only requires a 10-foot landscape strip.

**COMMUNITY COUNCIL REVIEW**

The Community Council reviewed the proposed application on March 14, 2018. Discussions included saving specimen trees located on the two lots. The applicant stated that they would try to preserve the specimen trees, as feasible. Additional discussion included traffic, sewer, location of the detention pond, a lack of green space, and appropriateness of proposed development at the location. Based upon input from the Community Council regarding specimen trees, the applicant submitted an updated Arborist Report and Tree Plan depicting locations of specimen trees. 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)	Single-family home on ±1.6-acre lot
Adjacent: East	R-75 (Residential Medium Lot – 75)	Single-Family homes
Adjacent: West	RSM (Small Lot Residential Mix)	Avery Hills townhome development
Adjacent: South	R-75 (Residential Medium Lot – 75)	Single-family homes on ±1-acre lot
Adjacent: Further North	C-1 (Local Commercial)	Church (Living Grace Evangelical Church)
Adjacent: Even Further North	C-1 (Local Commercial)	Quick Trip



*Aerial and Zoning 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 15 single-family detached dwellings at 5.32 units per acre complies with the SUB character area. Specimen tree preservation and more open space would allow the development to better comply with community objectives relating to open space preservation.

Transitioning between zoning districts is an important part of appropriate planning. However, such transitions should be gradual and offer a transition between more intense and less intense zone districts. Placing a higher density zoning district in-between two lower density zoning districts does not offer transition between zoning districts.

**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 allowable in the Suburban Character Area. 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. Located west of the proposed development is Avery Hills, a townhome development. There is no direct connectivity between the proposed conventional single-family home development and the townhome development (Avery Hills) to the immediate west of the subject site. While the proposed development abuts RSM to the west, it is approximately 1,950 feet (0.37 miles) when walking or driving from the proposed development to the Avery Hills entrance on Lawrenceville Highway.

The current development pattern is of single-family homes on moderate sized parcels along Cooledge Road. This pattern of development is distinguished from the proposed development in terms of zoning and lot sizes. The proposed development has smaller lot sizes when compared to existing development. This pattern currently includes the subject property and the single-family home due north, as well as the single-family homes located immediately to the south of the subject site. The proposal breaks up the continuity of development and the sense of place that has developed along Cooledge Road by introducing a development pattern of 15 homes in a location which is currently developed with 2 single-family homes. In this context, the proposed development inserts a zoning district (RSM) and associated development pattern that is dissimilar to the existing lots connecting to the proposed development along Cooledge Road.

The proposed development isolates and segments the existing lower density residential lots to the north, east and south from one another. Comprehensive Plan, Table 2-1, Community Issues and Opportunities, Category 2.9, identifies Land Use / Sense of Place as a community issue. The proposal contributes to a lack of sense of place / identity with development that is not in harmony with the adjacent development along the north and south of Cooledge Road.

The proposed development has smaller lot sizes compared to existing development nearby along Cooledge Road. However, a transitional buffer pertaining to compatibility (Section 5.2.3) is not required because the

development is under the compatibility threshold of 20 or more lots. The site plan depicts the required 20-foot setback surrounding each individual property, thereby providing some distance from the existing single-family homes. The proposed layout on the north side (northern portion) of the development proposes 7 new conventional single-family homes against the side of 1 existing single-family home. The proposed layout on the south side (southern portion) of the development proposes 6 new conventional single-family homes against the sides of 2 existing single-family homes. In this context, the development pattern is somewhat incompatible to the existing lots abutting the proposed development and erodes the sense of place. The applicant has not yet determined the size of the proposed homes, so the internal heated square feet 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 may adversely affect the existing use or usability of adjacent or nearby properties. The rezoning inadvertently isolates the single-family home located to the immediate north from the remaining 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 two 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 15 new homes will not create a major impact to the existing street.

The report from DeKalb County Schools stated that there would be a minimal impact to the schools if the development is constructed. The proposed development would add three (3) students to DeKalb schools (1 to Brockett ES, 1 to Tucker MS, 1 to Tucker HS).

DeKalb County Watershed Management states that the only water main that fronts the property is a 48" transmission main. Watershed will not permit direct taps of transmission mains. If the project moves forward, a distribution main will need to be installed by developer. Sewer capacity has not been established for this property. A sewer capacity request has been submitted and is currently with the Modeling Group but has not been completed. The proposed tie in manholes is 18-166-s070 which is located on the neighboring property to the west. The developer will need an easement to access said manhole.

**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 western open section of the site plan and more open space to save the specimen trees on lots 13 and 14.

**CONCLUSION**

The proposed development meets the intent of the comprehensive plan in terms of product type (single-family) and density (up to eight units per acre).

However, the proposal is not in harmony with the existing zoning and development pattern at this location, creating a discontinuous pattern of zoning. If approved, a pocket of higher density development would be surrounded on three sides by existing homes of a lower traditional suburban density. Overall, the proposal interrupts the established sense of place, which is in non-compliance with Comprehensive Plan, Table 2-1, Community Issues and Opportunities, Category 2.9, Land Use / Sense of Place.

Therefore, Staff recommends denial of the requested rezoning. Should the rezoning be approved, conditions are detailed later in the report.



**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, **Staff recommends DENIAL.**

Should the governing bodies choose to approve the requests, Staff recommends that the rezoning request be approved subject to the following conditions for Land Use Petition RZ-18-001.

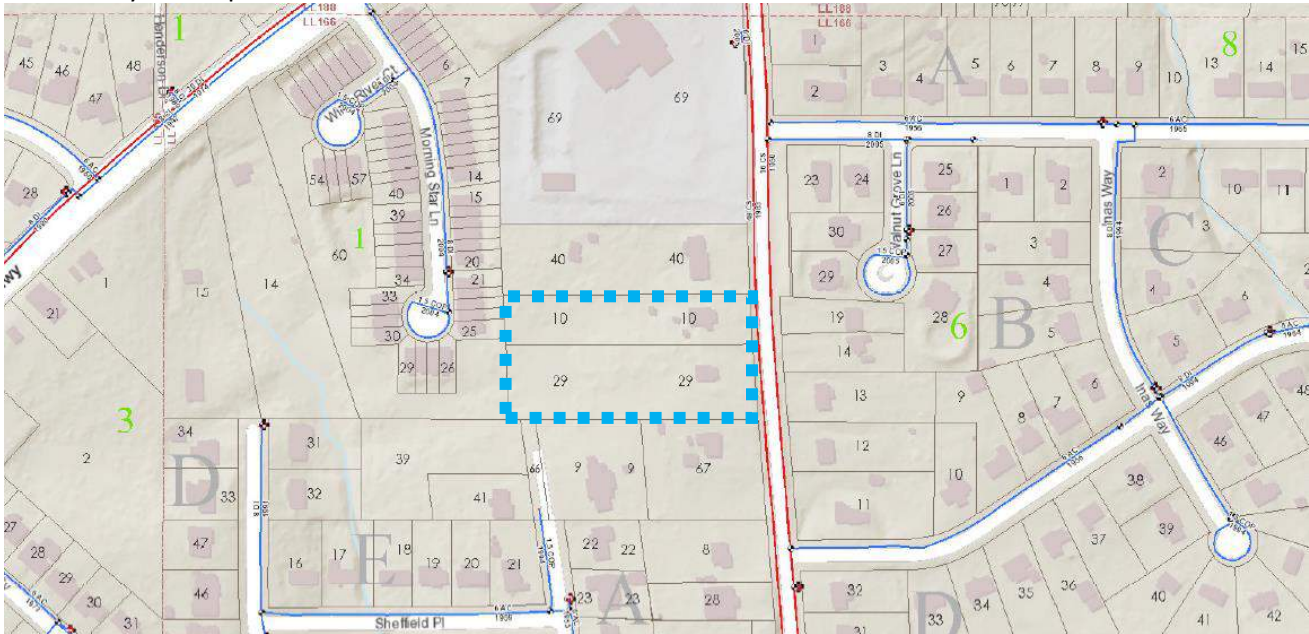
1. Use of the subject property shall be limited to a 15-unit conventional single-family detached development ( $\pm 5.32$  units per acre), per the bonus density that is allotted for the installation of sidewalks along Cooledge and a crosswalk across Lawrenceville Highway. Failure to install the sidewalks or crosswalk will result in a decrease of permitted density by 0.8 units per acre for each.
2. Approval of the sidewalks and crosswalks for the increased density must be submitted prior to the approval of the Land Development Permit. Installation must be completed as part of the Land Development process.
3. The property should be developed in general conformance with the site plan submitted on April 2, 2018, to the Community Development Department, with revisions to meet these conditions.
4. The two units along Cooledge Road shall be accessed from the new internal road, with garages facing the internal road or the side interior. The front and side-corner facades shall be clad in the same primary building material and designed with windows and other architectural features in order to provide a consistent design appearance along Cooledge Road and the new internal road.
5. Dwellings shall have a minimum heated floor area of 2,000-square feet.
6. Each unit shall provide a minimum two-car garage.
7. All specimen trees located in the active open space area on the western portion of the site plan shall be preserved.
8. The active open space shall have at least two amenities such as benches, tables, gazebo, or fitness equipment (push-up bar, T bar, step up platform).
9. If determined to not be diseased or damaged, the 54" oak on Lot 13 and the 37.5" oak on Lot 14 shall be preserved. The development of each lot shall be done so that any grading and/or impervious surface is limited to 30% of the critical root zone of each specimen tree.
10. 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.
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. The detention pond shall be located on a separate lot of record.
13. The development shall be limited to one (1) full-access curb cut on Cooledge Road. The location of said curb cut is dependent on adequate spacing and sight distance, and subject to the approval of the Tucker City Engineer.

14. Owner/Developer shall install a six foot (6') wide sidewalk and curb & gutter along the entire frontage of Cooledge Road. Said sidewalk shall be ADA compliant.
15. Owner/Developer shall install five foot (5') wide sidewalk on both sides of the proposed public street.
16. Owner/Developer shall dedicate along the entire frontage of Cooledge Road such additional right-of-way to provide two feet (2') from the back of sidewalk at no cost to the City of Tucker.
17. 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.
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. Water and sewer approval is required by the DeKalb County Department of Watershed Management.

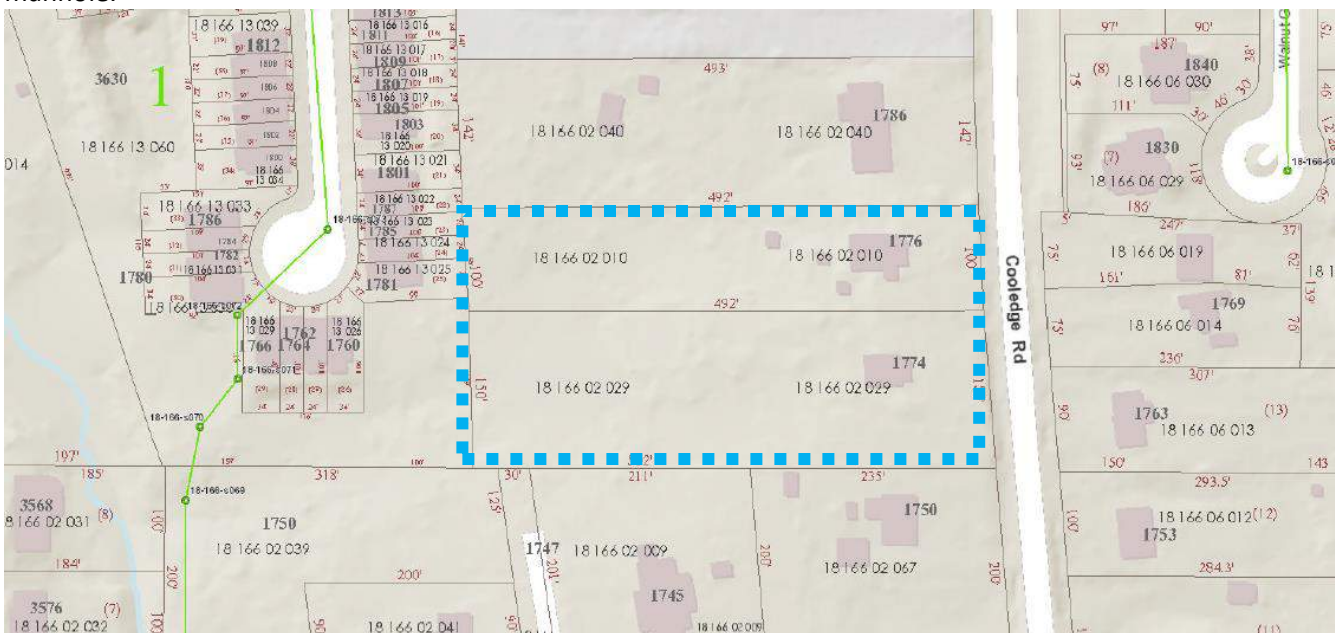
**DEPARTMENT COMMENTS**

**DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT**

In the GIS map below, the only water main that fronts the property is a 48" transmission main. Watershed will not permit direct taps of transmission mains. If the project moves forward, a distribution main will need to be installed by developer.



Sewer capacity has not been established for this property. A sewer capacity request has been submitted and is currently with the Modeling Group but has not been completed. The proposed tie in manholes is 18-166-s070 which is located on the neighboring property to the west. The developer will need easement to access said manhole.



**ARBORIST**

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

DEKALB COUNTY FIRE MARSHAL OFFICE

The residential community should ensure that our trucks have 20’ minimum road width to access all homes.

DEKALB COUNTY SCHOOL SYSTEM

If approved, this development would add 3 students to DeKalb schools. Of those, 1 would attend Brockett ES, 1 would attend Tucker MS and 1 would attend Tucker HS.

<b>Schools</b>	<b>Total Capacity</b>	<b>Current Enrollment (November 2017)</b>	<b>Students generated from proposed development</b>
Brockett ES	519	463	1
Tucker MS	1,312	1,238	1
Tucker HS	1,747	1,735	1
Private Schools			0
Other DCSD Schools			0

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.
  - c. Curb cut locations shall meet the minimum requirements for spacing and sight distance and are subject to approval by the City of Tucker.
  
2. Owner/Developer shall provide ADA compliant pedestrian sidewalk along the entire frontages of Cooledge Road.
  
3. 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.
  
4. Water and sewer approval is required by the DeKalb County Department of Watershed Management.