



Land Use Petition: RZ-19-0001

Date of Staff Recommendation Preparation: February 20, 2019

Community Council: January 9, 2019

Planning Commission: February 28, 2019

Mayor and City Council, 1st Read: March 25, 2019

Mayor and City Council, 2nd Read: April 22, 2019

PROJECT LOCATION:	4062 Comanche Drive
APPLICATION NUMBER	RZ-19-0001 CV-19-0001
DISTRICT/LANDLOT(S):	Land District 18, Land Lot 213
ACREAGE:	±0.343 acre
EXISTING ZONING	R-75 (Residential Medium Lot – 75)
PROPOSED ZONING	RSM (Residential Small Lot Mix)
EXISTING LAND USE	Single-family home
FUTURE LAND USE MAP DESIGNATION:	Downtown
OVERLAY DISTRICT:	Downtown Overlay District, Neighborhood Zone
APPLICANT:	Robert Gunnison c/o Williams Teusink, LLC
OWNER:	Dorinda Gayle Williams
PROPOSED DEVELOPMENT:	RZ-19-0001: Applicant intends to build two single-family detached residential homes. CV-19-0001: To allow a reduction of the lot width requirements.
STAFF RECOMMENDATION:	Approval of RZ-19-0001 with conditions Approval of CV-19-0001

PROJECT DATA

The applicant requests to rezone one parcel located off Comanche Drive between Brockett Road and Bancroft Circle, from R-75 (Residential Medium Lot-75) to RSM (Small Lot Residential Mix) to re-plot into two lots (± 7183 sq. ft. and ± 7239 sq. ft.) and develop two conventional single-family homes on the ± 0.343 -acre property. The ± 0.343 -acre property contains one single-family home built in 1945, according to the DeKalb County Property Appraiser’s Office.

Conventional Single-Family detached homes located in the RSM zoning district require 6,000-square foot lots with a minimum house size of 1,200 square feet and a minimum of 60-foot lot width at the street frontage. The concurrent variance request is to allow a 50-foot lot width at the street frontage. The proposal includes (2) two $\pm 2,804$ -square-foot conventional single-family detached homes. Streetscape Dimensional Standards at this location include a 4-foot landscape strip, and a 6-foot sidewalk (per the Downtown Tucker Overlay). The applicant also proposes two newly planted maple trees inside the landscape strip providing shade on the sidewalk.

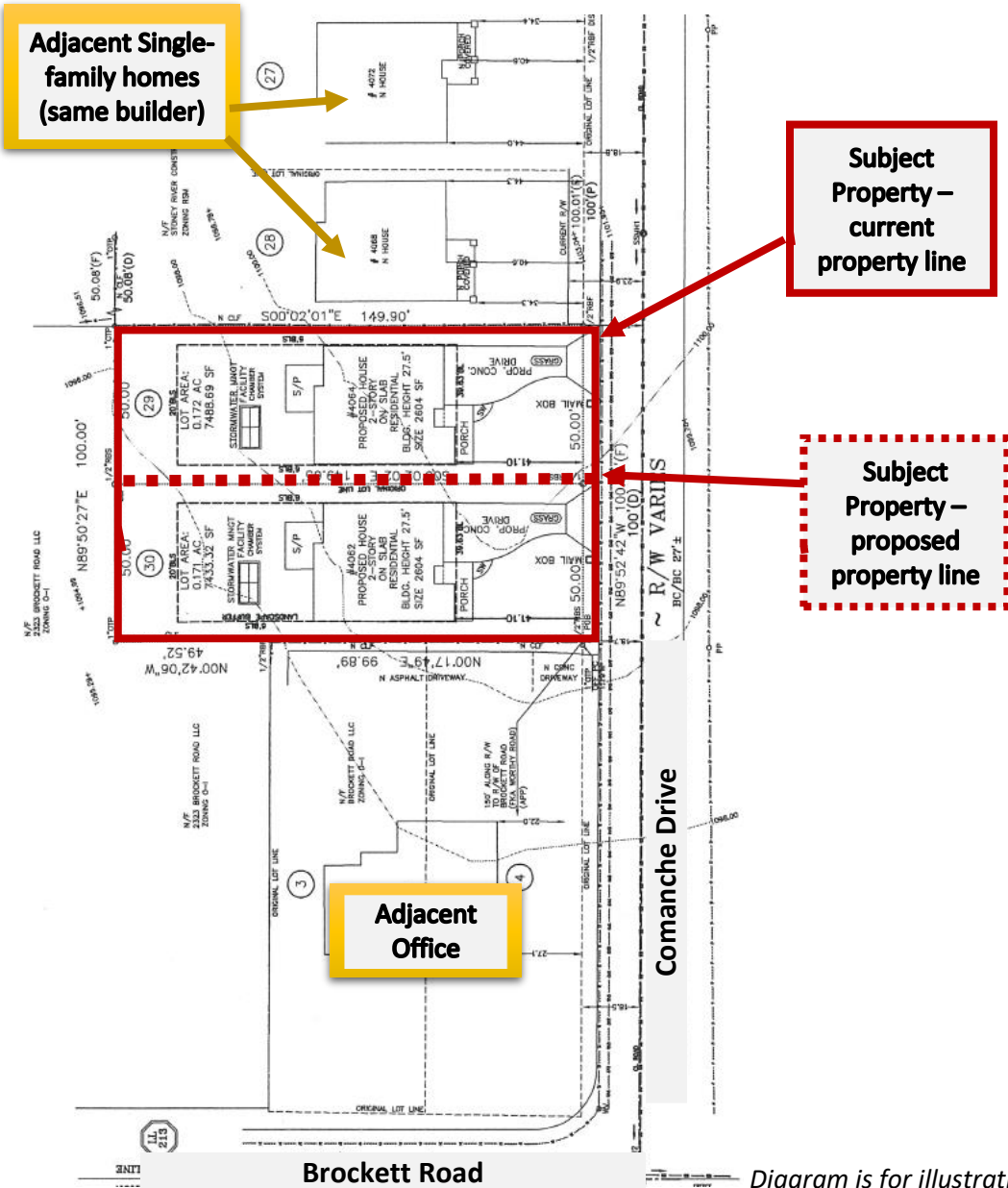


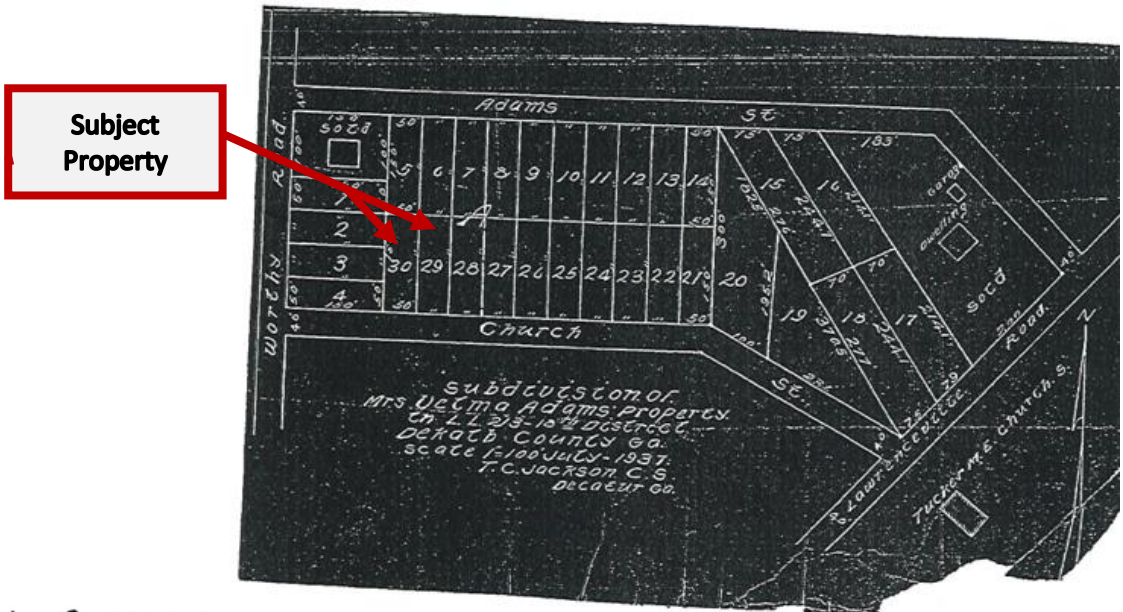
Diagram is for illustrative purposes only.

The site is located approximately 145 feet due east of Brockett Road, located on the north side of Comanche Drive. Immediately abutting the western side of the subject site is a ±0.2-acre lot zoned Office Institutional (OI) located on the corner of Brockett Road and Comanche Drive. The building on the site appears to be a single-family home that previously was converted to an office use. East along Comanche Drive abutting the subject site and eastward are five (5) under-construction single-family homes by the applicant, Stoney River Construction S.E, Inc. (Stoney River).

On the south side of Comanche Drive is a long, deep parcel zoned Office Institutional located immediately across the street from the subject property. There is an office structure built in 1951 according to the DeKalb County Property Appraiser's office located on this ±0.5-acre lot. Further east and south along Comanche Drive are single-family homes. These five lots were rezoned from R-75 (Residential Single Family – 75) to RSM (Residential Small Lot Mix) per Z-16-20634 (DeKalb County).

Historical Information

As stated in the application packet and shown in the historic plat, the subject property was originally platted in July 1937 as two (2) 50-foot wide lots pursuant to the Subdivision of Mrs. Velma Adams' Property filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The original platting of the Property as two (2) 50-foot wide lots was consistent with and in conformity to the subdivision layout of the residential lots along Comanche Drive (formerly Church Street) and Adrian Street (formerly Adams Street) at the time. The City of Tucker considers this a single lot and the applicant must rezone the property to allow two single-family homes.



PLAT BOOK 14, PAGE 27

CHARACTER AREA (Future Land Use)

The subject parcels are located within the Downtown Character Area on the Land Use Map. The Tucker Tomorrow comprehensive plan designates the Downtown Character Area as having a wide range of primary land uses. These uses include single family residential, townhomes, lower density multi-family including apartments and condominiums, retail and service commercial uses, Vertical mixed use incorporating live/work/shop uses, and office uses. Additional guidelines for the Downtown Character Area include promoting walkability with design elements that privilege pedestrian and bicyclist over the automobile and incentivize new walkway connectivity. The applicant is proposing a development consistent with the Character Area, including sidewalks in the front of the homes creating a more complete street with multi-modal modes of transit.

COMMUNITY COUNCIL REVIEW

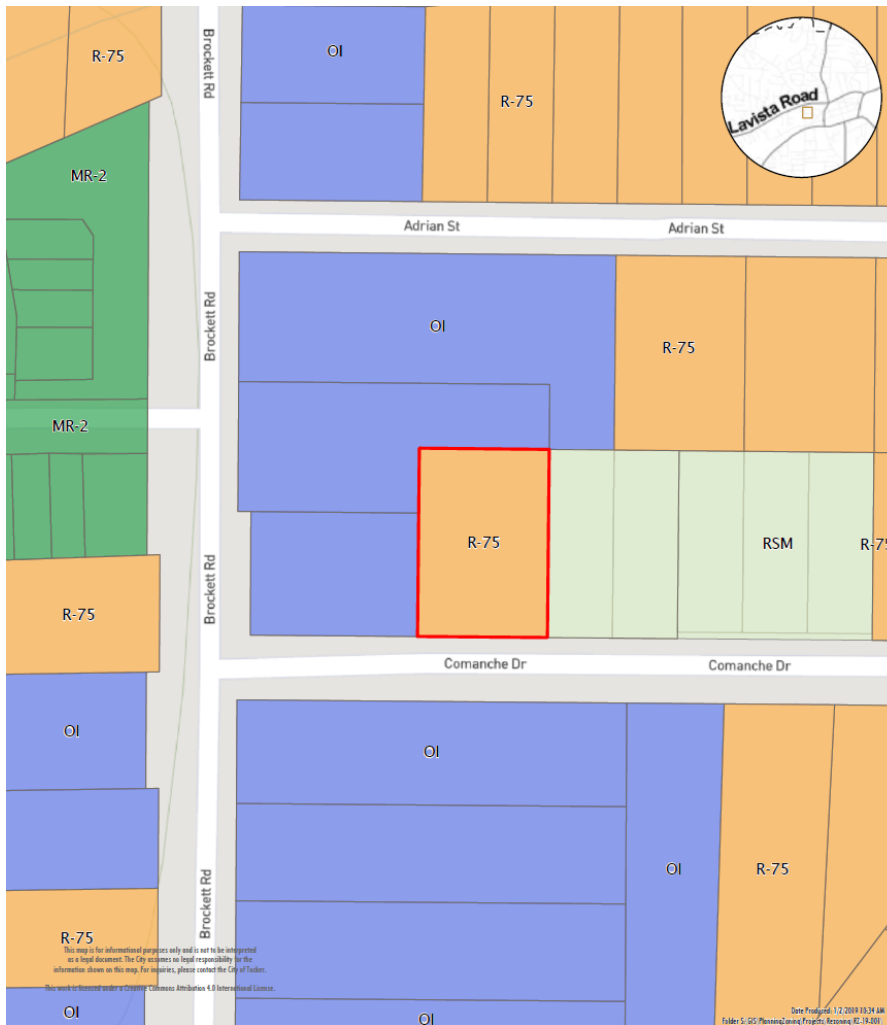
The Community Council reviewed the proposed application on January 9, 2019. Discussions included saving trees located on the lot, the current development pattern, a landscape buffer along the property to the west with an office use, increasing property values and associated increased county taxes. The applicant stated that some of the trees has already been determined to be dead, but they would try to preserve the trees, as feasible, and that they would submit a landscape plan buffering the new home against the office use to the west. Based upon input from the Community Council regarding trees and the buffer on the western property, the applicant submitted an Arborist Report and a landscape buffer which includes various vegetation including trees and a 6-foot fence along the side yard between the proposed single-family home and office use to the west.



Aerial View, Google Maps

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	OI (Office Institutional)	Office
Adjacent: East	RSM (Small Lot Residential Mix)	Single-Family homes
Adjacent: West	OI (Office Institutional)	Office
Adjacent: South	OI (Office Institutional)	Office
Adjacent: Further east	R-75 (Residential Single Family)	Single Family homes



Zoning Map 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 and would not affect the existing use or usability of adjacent or nearby properties. The subject property is located within the Downtown Character Area which supports single-family detached residential development. The Downtown Character Area vision is for a mix of shops, small office buildings and denser residential development compared to the Suburban Character Area.

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 higher density zoning district in-between Office Institutional zoning and R-75 zoning districts creates a smoother 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 Downtown Character Area. The intent of the Downtown Character Area is to promote appropriate mixed-use development while encouraging increased connectivity and accessibility.

The current development pattern is composed of small office type uses and single-family homes on relatively small-sized parcels along Comanche Road. This proposed pattern of development is essentially identical to the (under-construction) five (5) single-family homes approved by DeKalb County Zoning Case Number CZ-16-20634 in 2016 from R-75 (Residential Single Family) to Residential Small Lot Mix (RSM). The proposed development has slightly smaller lot sizes when compared to existing development further south and east along Comanche; however, it should be noted that the proposal is consistent with the original configuration of the community pursuant to the Subdivision of Mrs. Velma Adams' Property filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The lot frontage of the proposed lots are consistent with the neighboring lots of record along Comanche Drive which were approved when RSM lot width at the street frontage only required 50-feet (Text Amendment, TA-18-001). In this context, the development pattern is compatible to the existing lots abutting the proposed development and creates a continuity of downtown Tucker's in-town residential neighborhood sense of place.

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 one single family home.

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 proposed development creates a slightly more intense development of two (2) single-family homes, and the transition from OI (Office Institutional) to the north, west, and south creating a zoning continuity with the RSM to the immediate east of the site.

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, or schools. The proposed unit number did not mandate any kind of traffic impact study as 2 new homes will not create a major impact to the existing street.

The January 2, 2019, report from DeKalb County Schools stated that there would be no impact to the schools if the development of two single-family are constructed. If approved, the DeKalb County School District expects that this proposed development would not add any students to the neighborhood schools.

DeKalb County Watershed Management states this area is sewer capacity restricted and further states, *"If the existing structure has sewer, then one home will be allowed. The other will be required to install an alternative on-site storage system with restricted release times. If the existing structure is on septic, both new homes will be required to install an alternative on-site storage system with restricted release times."*

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

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

CONCLUSION

The proposed development meets the intent of the comprehensive plan. Further, the proposal is in harmony with the existing zoning and development pattern at this location, creating a continuous pattern of transitional step-down zoning. If approved, the proposal will add an additional unit of single-family development in proximity to the downtown Tucker core creating a mix of uses envisioned for the Downtown Character Area and supporting the Comprehensive Plan in enhancing downtown.

Therefore, Staff recommends **approval with conditions** of the requested rezoning.

CONCURRENT VARIANCE (CV-19-0001)

The City of Tucker Zoning Ordinance stipulates dimensional standards, including lot width at the street frontage, for single-family homes. A concurrent variance has been requested to Article 2, Table 2.4 Medium and High Density Residential dimensional standards to decrease the required lot width at the street frontage from 60 feet in width to 50 feet in width. The concurrent variance is required to develop the property into two (2) single-family homes.

Elements	RSM
Lot Requirements (minimum, unless specified)	
Single-Family Detached Conventional (SFD)**	
Lot Area (square feet)	6,000/2,000 cottage
Lot Width, Street Frontage (feet)	60/50 cottage

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

CRITERIA TO BE APPLIED – CONCURRENT VARIANCE

- 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. However, as stated in the application, the proposal does not constitute a grant of special privilege inconsistent with the limitations upon other properties on Comanche Road in which the subject property is located. The Property was originally platted in July 1937 as two (2) 50-foot wide lots pursuant to the Subdivision of Mrs. Velma Adams Property filed and recorded in the Real Estate Records of DeKalb County, Georgia in Plat Book 14, Page 27. The original platting of the subject property as two 50-foot wide lots was consist with and in conformity with the subdivision layout of the

residential lots along Comanche Drive (formerly Church Street) and Adrian Street (formerly Adams Street).

- 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 does not go beyond the minimum necessary to afford relief by allowing homes that do not meet the dimensional standards for lot width at the street frontage. The proposed 50 feet width is consistent with the five (5) homes to the immediate east of the subject property and others in the Downtown Tucker Neighborhood zone. Staff notes that the draft provision in the Downtown Tucker Overlay rewrite will allow homes to be 50 feet width at the street front, if approved.

- 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 as one single-family home is allowed. However, it would create an undivided lot in contradiction to how the property was original platted and the original intent and design of the subdivision.

- 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 the regulation regarding dimensional standards is to provide for high quality layouts and residential protection by encouraging new development that is compatible with existing development. Staff believes that by varying the lot width at the street frontage at this location would allow the continuation of the historical small-lot development pattern, as exhibited in the original 1937 plat. This would be consistent with the overall spirit and intent of the comprehensive plan to promote a variety of sustainable housing options in close proximity to downtown Tucker and higher density (i.e., smaller lots) in downtown.

Conclusion: Staff recommends **approval of CV-19-0001.**

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends APPROVAL of RZ-19-0001 with conditions and APPROVAL of CV-19-0001.

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-19-0001.

1. The property should be developed in general conformance with the site plan date stamped December 26, 2018, by the Community Development Department, with revisions to meet these conditions.
2. The lot frontage of the two lots shall be a minimum of 50 feet each (CV-19-0001).
3. A 6-foot landscape buffer shall be located on the west property line of the proposed lot #4062, as shown site plan date stamped December 26, 2018 and planted to provide a visual screen.
4. Dwellings shall have a minimum heated floor area of 2,600-square feet.
5. Each unit shall provide a minimum two-car garage.
6. Owner/Developer shall install a six-foot (6') wide sidewalk and four-foot (4') landscape strip along the entire frontage of Comanche Road. Said sidewalk shall be ADA compliant. Landscape strip shall consist of street trees planted at a minimum of 1 tree for every 30 feet on center.
7. No front façade shall be of the exact same design as any other front façade of the adjacent five (5) single-family homes under construction, along the same block face of the subject residence.
8. Owner/developer shall dedicate additional right-of-way along the entire frontage of Comanche Drive twenty-five feet (25') from centerline or two feet (2') from back of sidewalk, whichever is greater, at no cost to the City of Tucker.
9. Owner/Developer shall provide detention, water quality, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.
10. All healthy specimen trees shown on the site plan shall be preserved during the development process. 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.
11. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required.

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

DEPARTMENT COMMENTS

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

DeKalb County Watershed Management states this area is sewer capacity restricted. The applicant/developer will need to submit the SCRs for evaluation for each lot. If the existing structure has sewer, then one home will be allowed. The other will be required to install an alternative on-site storage system with restricted release times. If the existing structure is on septic, both new homes will be required to install an alternative on-site storage system with restricted release times.

ARBORIST

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

DEKALB COUNTY FIRE MARSHAL OFFICE

Fire Hydrants spacing shall be in accordance with 2012 IFC, Appendix C.

DEKALB COUNTY SCHOOL SYSTEM

If approved, this development would not be expected to add any students the neighborhood schools.

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

LAND DEVELOPMENT

1. Owner/developer shall install sidewalk along the entire frontage of Comanche Drive.
2. Owner/developer shall dedicate additional right-of-way along the entire frontage of Comanche Drive twenty-five feet (25') from centerline or two feet (2') from back of sidewalk, whichever is greater, at no cost to the City of Tucker.
3. Owner/developed shall provide detention, water quality, and channel protection in accordance with the Georgia stormwater manual. Detention shall be provided for the 1 through 100-year storm events with no increased run-off. For the purpose of these calculations, the existing run-off rate shall be considered to be a wooded, pre-developed condition.