



City of Tucker

Land Use Petition: RZ-19-0005

Date of Staff Recommendation Preparation: October 16, 2019

Community Council: September 11, 2019

Planning Commission: October 24, 2019

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

Mayor and City Council, 2nd Read: January 14, 2020

PROJECT LOCATION:	4700 Lavista Road, 4704 Lavista Road, 4738 Lavista Road, 4738 Lavista Road (rear), 2470 Henderson Road
APPLICATION NUMBER	RZ-19-0005
DISTRICT/LANDLOT(S):	Land District 18, Land Lot 212, 227
ACREAGE:	±22.49 acres
EXISTING ZONING	R-85 (Residential Medium Lot - 85) and R-100 (Residential Medium Lot - 100)
PROPOSED ZONING	R-60 (Residential Small Lot) and R-75 (Residential Medium Lot - 75)
EXISTING LAND USE	Vacant land and single-family homes
FUTURE LAND USE DESIGNATION:	SUB (Suburban)
OVERLAY DISTRICT:	NA
APPLICANT:	Betancourt Construction, LLC c/o Alex Brock
OWNER:	Charles A. Orth, as Trustee of the Item III Trust U/W of Eunice Whitmore Ewing and Gary Alan Carter, as Co-Trustee of the Carter Descendants Trust dated December 24
PROPOSED DEVELOPMENT:	Rezoning from R-85 (Residential Medium Lot - 85) and R-100 (Residential Medium Lot - 100) to R-60 (Residential Small Lot) and R-75 (Residential Medium Lot - 75) to allow for a development of 63 single-family homes.
STAFF RECOMMENDATION:	Approval with modifications to incorporate staff recommended alternative(s).

PROJECT DATA

The applicant requests to rezone five parcels located at the NE quadrant of the Lavista Road and Midvale Road intersection from R-85 (Residential Medium Lot - 85) and R-100 (Residential Medium Lot - 100) to R-60 (Residential Small Lot) and R-75 (Residential Medium Lot - 75) for the development of a 63-unit single-family development on ±22.49 acres (±2.8 units per acre). The ±22.49-acre property contains four single-family homes according to the Boundary and Topographic Survey, along with a pool and dilapidated pool house. The DeKalb Property Assessor's office lists these homes as built from 1948 through 1962. The northernmost ±5.52-acre lot is wooded and vacant.



Section 46-1279 - *Compatibility of new and existing subdivisions* states that “lots created as part of a new or redeveloped single-family detached subdivision, containing 20 or more lots, shall be compatible with existing developed single-family lots to which they are adjacent.” Compatibility is met by incorporating two of the following standards:

- The lot width of the new lot is at least 80 percent of the lot width of an adjacent existing subdivision lot;
- The lot size of the new lot is at least 80 percent of the lot size of an adjacent existing subdivision lot or eight-tenths acre, whichever is less;
- The new lot provides a minimum transitional buffer of 20 feet;

- The lot depth of the new lot is at least 20 feet deeper than the depth of the adjacent existing lot.

The proposal meets the compatibility requirement for new lots where they are adjacent to developed single-family lots by proposing that the lots that border the northern side of the development be R-75 zoned lots with a 20' transitional buffer. The size of the R-75 lots allow the lot width to exceed 80% of the adjacent lots abutting the subject site. Transitional buffers diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide a screen so as to prevent view of the higher density development from the lower density development. The R-75 zoning district requires a 40-foot rear setback.

The proposed layout on the northern perimeter of the development proposes twelve (12) new single-family homes against the backyards of fifteen (15) existing family homes. In this context, the impact of the proposed R-75 zoning district development pattern is similar and compatible with the existing lots abutting the proposed development. The R-75 zoning surrounds the northern perimeter of the property, protecting the integrity of existing R-100 (minimum 15,000-square-foot lots) development from the proposed R-60 (minimum 6,000-square-foot lots) development. The R-75 zoning district allows for a development pattern that is marginally different than the existing R-85 zoning district and R-100, yet similar enough to meet compatibility requirements.

It should be noted that of the 63 proposed homes, 12 homes will be in the R-75 zoning district, and 51 of the homes will be located in the R-60 zoning district. As the R-60 lots are not adjacent to the existing development, they are not subject to the requirements of Section 46-1279 (*Compatibility of new and existing subdivisions*). However, the proposed R-60 zoning district is subject to criteria (standards and factors) for rezoning decisions, provided in Section 46-1560 of the City of Tucker Zoning Ordinance. Rezoning to R-60 at the corner of Midvale Road and Lavista Road introduces a development pattern with substantially smaller lot sizes, than the existing development pattern along Midvale Road and Lavista Road. The majority of these lots on Midvale Road and Lavista Road are zoned R-85, which has a minimum lot size of 12,000-square feet. In order for the development to be more compatible with the area as a whole, staff would recommend the following alternatives.

- Alternative 1: Increase amount of R-75 Zoning
 - Lots 32 through 36 and the stream buffer/open space area to the southwest, as well as lots 16 through 18 and the stream buffer/open space to the north and east shall be zoned R-75 to increase the amount of compatibility and transition of zoning districts of the proposed development as a whole. The current request for R-75 is questionable as it is a thin band that is only one lot deep. A one parcel deep area of R-75 zoning acts more as a buffer than a transition. Increasing the amount of R-75 land increases the transition and makes the request more compliant with the Comprehensive Plan and the requirements of the Zoning Ordinance.
- Alternative 2: Approve the entire development for R-75
 - Rezone the entire site to R-75 to ensure more compatibility with the existing neighborhoods and provide sufficient transitional zoning to the north, east, south, and west.

- Alternative 3: the R-60 lots that abut Midvale Road and Lavista Road shall be a minimum of 8,000-square-feet, which is 80% of the minimum required lot area of the R-75 (10,000-square-foot minimum lot size), in order to provide more compatibility with the R-85 development pattern along Midvale Road and Lavista Road. The additional square footage shall create deeper lots along Lavista Road so that they are more compatible with the historical lot development pattern along this road.

In addition to one or more of the above alternatives, a condition shall be included to increase the minimum unit size for all lots (R-75 and R-60) to meet the minimum requirement of the R-85 zoning district, so that the home size is compatible with the surrounding area. The minimum unit size for R-60 is 1,200-square feet; R-75 is 1,600 square feet; R-85 is 1,800 square feet. Note that the applicant has not yet determined the size of the proposed homes, so the internal heated square foot is currently not known.

The site plan shows ±5.66 acres of open space for the proposed development comprising ±25.2% of the total site. The code requires a minimum of 20% open space. There is a stream that bisects the project site with 75-foot buffers on either side of the stream. Over fifty percent of the open space is outside of the stream buffer. The open space includes walking trails, and enhanced pocket parks, shown below. The pocket parks have a community firepit or a picnic and play area. The applicant has also stated that there will be a pedestrian gate with public access (off of Midvale Road) so their neighbors may partake in the enjoyment of the walking trails and other amenities.



The site plan depicts an area with a mail kiosk. Staff recommends a condition ensuring a designated ADA accessible handicap ramp with parking be at the mail kiosk, in compliance with Federal ADA compliance.

An above-ground 10,690 square-foot stormwater detention pond is shown in the middle of the development, and a second 5,230 square-foot storm water management pond is shown in the

northeastern quadrant of the site plan. Landscape screening is conditioned by staff.

The applicant provided a conceptual streetscape elevation for homes located on Lavista Road on September 27, 2019. The streetscape shows the intent to build two-story homes with a 6-foot high decorative wrought-iron style fence with an “optional” proposed hedge planting behind the fence surrounding the development. As shown, the applicant has also stated that the rear elevations of the lots fronting on Lavista Road will mimic a front façade. Staff recommends a condition ensuring the homes located on both Midvale and Lavista have a rear that mimics the front of a home to maintain the character of an activated streetscape on Lavista Road and Midvale Road. Extra design detail shall also be given to the side elevation of lots 1 and 47.



Streetscape Dimensional Standards for local residential streets at this location include a 6-foot landscape strip, and a 5-foot sidewalk with trees every 30 feet along the new internal roads, as shown in Table 5.1 required streetscape dimensions. All lots will be accessed internally. Street tree spacing is required every 30 feet along local residential streets, and staff also recommends street trees every 30 feet along Lavista Road and Midvale Road to provide a canopy for pedestrians and a sense of place for vehicular traffic and pedestrians alike, thereby maintaining the character of development along Lavista Road.

The site plan shows a 6-foot sidewalk along Lavista Road which is a minor arterial street.

CHARACTER AREA (Future Land Use)

The subject parcel is located within the Suburban Character Area on the Land Use Map. The Suburban Character Area is designated Low to Medium Density Residential (<4 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. The applicant is proposing a development consistent with the allotted density of the Character Area, requesting ±2.8 dwelling units per acre. One of the five goals of the Tucker Tomorrow Comprehensive Plan is to “preserve and improve neighborhoods.” Development strategies include “ensuring that the expansion or improvement of single family homes within Tucker’s existing neighborhoods are compatible with the existing housing stock in terms of building height, footprint and massing, particularly as viewed from the street,” “preserving the character of single family neighborhoods by preventing the encroachment of higher density residential development and non-residential uses within existing neighborhoods,” “giving special care to managing land use transitions along the periphery of residential neighborhoods to ensure that new development does not diminish the character of existing neighborhoods,” “given the small number of remaining vacant land available for development, directing new housing to high activity areas, such as Northlake area, downtown, and neighborhood centers,” and “enhancing the quality of residential neighborhoods by adding traffic calming improvements, sidewalks, and increased street interconnections to improve walkability within existing neighborhoods.”

COMMUNITY COUNCIL REVIEW

The Community Council reviewed the proposed application for rezoning on September 11, 2017. There was a substantial turnout and questions. The Community Council summarized issued expressed and the applicant provided responses at the meeting. Applicant responses to queries are included in the meeting packet. Questions and concerns included the following: large number of houses, increased traffic on Lavista, impact on schools, water runoff, saving trees, water pressure and runoff, wildlife issues, sewer problems, gated community, green spaces, developer information, and the price of homes.

The Community Council requested that the applicant continue to outreach between the existing neighborhood residents. It should be noted, that in addition to the Community Council meeting, the applicant held a neighborhood meeting with residents after the Community Council meeting.

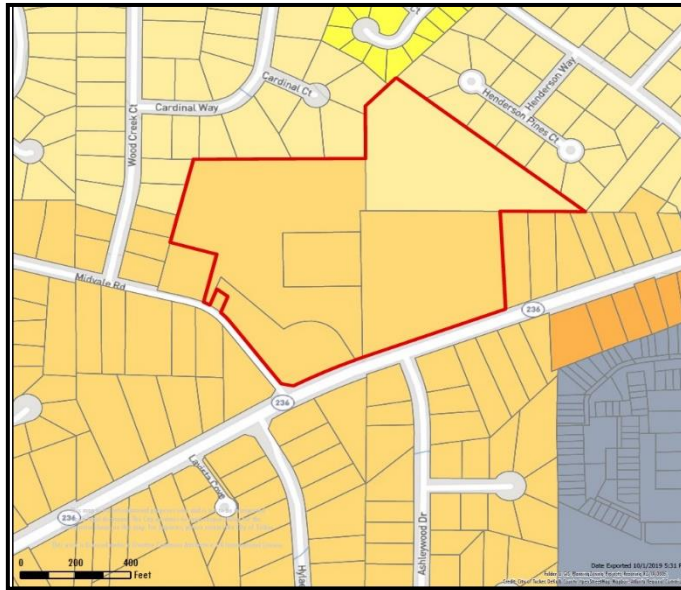
NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	R-100 (Residential Medium Lot – 100); R-60 (Residential Small Lot)	Henderson Trails Subdivision; Thawley Place
Adjacent: East	R-85 (Residential Medium Lot – 85); R-100 (Residential Medium Lot – 100)	Single-family homes (no subdivision) Henderson Trails Subdivision;
Adjacent: South	R-85 (Residential Medium Lot – 85)	Ashleywoods Manor Subdivision
Adjacent: Northwest	R-100 (Residential Medium Lot – 100); R-85 (Residential Medium Lot – 85)	Cardinal Woods Subdivision #1, #2 Cardinal Woods Subdivision #3

The site (delineated with stars) is surrounded by single-family homes. To the northeast is the Henderson Trails subdivision (zoned R-100); due north is a R-60 subdivision “Thawley Place” submitted in 1987 (Case

CZ-87041) and approved by DeKalb County. Immediately to the northwest is the Cardinal Woods subdivision (zoned R-100). South across Lavista Road is the Ashleywoods Manor subdivision.





Zoning Map.



Aerial Exhibit showing surrounding land uses.

REZONING - CRITERIA TO BE APPLIED:

Criteria (standards and factors) for rezoning decisions are provided in Section 46-1560 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 of 63 single-family detached dwellings at ± 2.8 units per acre meets the intent of the comprehensive plan in terms of density and primary land use (single-family up to 4 units per acre) and would not affect the existing use or usability of adjacent or nearby properties.

In terms of development strategies, the proposal is compliant in that the land they are seeking to develop is not part of an existing neighborhood/subdivision. However, the character area states that a strategy is to give "special care to managing land use transitions along the periphery of residential neighborhoods to ensure new development does not diminish the character of existing neighborhoods. The proposed develop abuts Henderson Trails and several phases of Cardinal Woods, developments of R-85 and R-100 homes. While the proposal also abuts Thawlay Place, a R-60 development zoned by DeKalb County in 1987, the connection is minimal as the proposed ± 22.49 acre development abuts only one lot at the rear of Thawlay Place - for approximately 40'. Increasing the amount of R-75 land or rezoning the entire site to R-75 could be viewed as being more compatible and more in keeping with the policy and intent of the comprehensive plan.

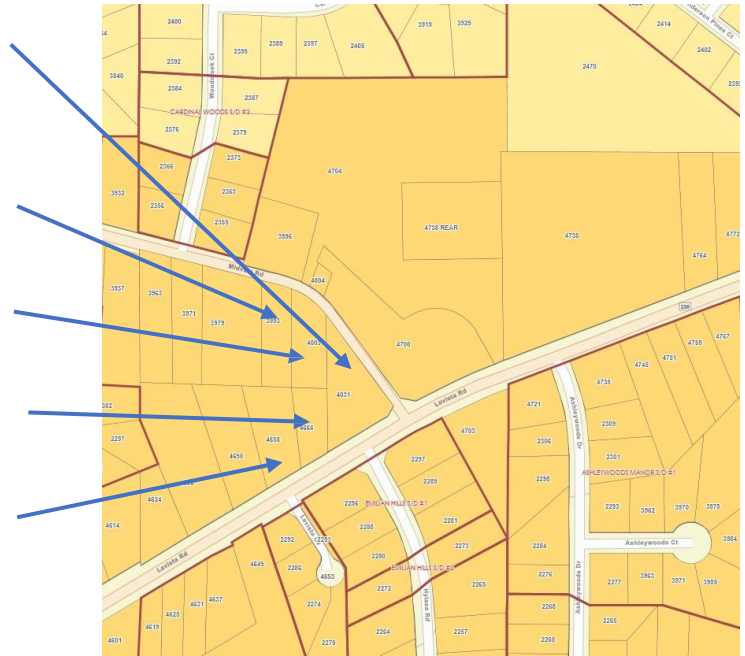
In addition, community objectives are being met by providing internal amenity features that may be accessed through a gate that pedestrians may enter from Midvale Road such as walking trails. Further study of the trees on site could yield conditions of approval that will allow great preservation of the tree canopy, allowing the proposal to comply with the design consideration for maintaining mature canopies.

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 R-75 (Residential Medium Lot - 75) will permit a use that is suitable in view of the use and development of adjacent and nearby properties. While the surrounding neighborhoods are predominantly zoned R-100 (Residential Medium Lot -100), the proposed R-75 lots are in compliance with the compatibility standards found in Sec. 46-1279 - Compatibility of new and existing subdivisions.

Rezoning to R-60 at the corner of Midvale Road and Lavista Road introduces a development pattern that is more dense, with substantially smaller lot sizes, than the existing development pattern along Midvale and Lavista. The minimum requirement for a R-60 lot is 6,000 square feet. For comparison, the lots to the immediate west across Midvale Road have lot area between 18,730 square feet (4666 Lavista) and 38,786 square feet (4031 Midvale).

- 4031 Midvale Road Tucker, GA 30084
Acreage: 0.89 (38,768 sq. ft.)
- 3993 Midvale Road Tucker, GA 30084
Acreage: 0.58 (25,262 sq. ft.)
- 4003 Midvale Road Tucker, GA 30084
Acreage: 0.59 (25,700 sq. ft.)
- 4666 Lavista Road Tucker, GA 30084
Acreage: 0.43 (18,730 sq. ft.)
- 4658 Lavista Road Tucker, GA 30084
Acreage: 0.76 (33,105 sq. ft.)



The proposed lot sizes for the R-60 are smaller than the nearby existing lots (shown above). Conditioning approval based on a larger lot size and/or unit size than required by the R-60 zoning district would further compatibility with the nearby existing residential. It should be noted, that some of the proposed lots in the proposed R-60 exceed the minimum dimensional standards. For example, Lot #5 and Lot #6 exceed the dimensional standards. Their rear yards face a 5,186 square-foot open space area at the corner of Midvale Road and Lavista Road creating a transition on the corner and buffering the corner from lower density development across Midvale Road by extending the green space approximately 100 feet along both Midvale Road and Lavista Road. Any healthy specimen trees in this area should be preserved in order to maintain the historical appearance of this intersection and soften the view of the new development, if approved.

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 Woods of Midvale neighborhood, which is located approximately .56 miles northwest from the subject site, was recently developed as twenty R-100 lots that sold for between \$540,000 and \$671,000.

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 site plan depicts a 20-foot transitional buffer surrounding the northeastern portion of the property where it abuts R-100 zoning. While the minimum unit size of the R-75 zoning district is closer to that of the R-85 and R-100 zoning districts, the applicant is proposing a two-story product. The surrounding residential developments are a majority of ranch style homes.

The proposed layout on the north side of the development proposes twelve (12) new single-family homes against the backyards of fifteen (15) existing family homes. In this context, the impact is

minimal, and the development pattern is somewhat similar to the existing lots abutting the proposed development. This only applies to the R-75 lots. The alternative(s) suggested by staff would ensure the entire development does not adversely affect any of the adjacent and nearby properties.

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 subject 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. However, there is a small cemetery which the subject site surrounds, located off of Midvale Road. The applicant will have to ensure that they do not encroach onto the cemetery and that the boundaries of the cemetery are respected. Consideration for access to the cemetery site should be considered to allow maintenance of the area.

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 warrant a traffic impact study as 63 new homes will not create a major impact to the existing street. The City of Tucker Zoning Ordinance, Sec. 46-1309, requires a traffic impact study for single-family developments with over 200 new lots or units at build-out. Limiting the development to one access point and the construction of a deceleration lane will help minimize any impact the development could have.

The report from DeKalb County Schools stated that the impact from this development is expected to be small. If approved, this development would add 26 students to DeKalb schools. Of those, 4 would attend Midvale ES, 2 would attend Tucker MS and 5 would attend Tucker HS. Another 5 would be expected at other DCSD schools and 10 in private schools. Enrollment at the middle school is over capacity and the high school is near capacity with five portables, per DeKalb County School System review comments.

Staff also notes that as part of the application packet, the applicant included a "Letter Showing Sewer Capacity", dated July 29, 2019, giving a determination based the criteria set forth in DWM's Interim Sanitary Sewer Capacity Evaluation Program that the wastewater collection, transmission, and treatment system has adequate capacity to receive wastewater flow contribution from the applicant's sewer service connection as documented in the applicant's sewer capacity request. The letter further states that, "approval to proceed with the project is granted with regards to sanitary sewer capacity. This "Letter Showing Sewer Capacity" also states that the determination of available capacity is not guaranteed as it is based upon the known conditions as of the date of

the correspondence and on the anticipated capacity needs associated with the project.

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. There is a stream located on the site and the site plan shows protection of the stream and stream buffer. While the site was cleared years ago, there is a distinctive tree line around the perimeter of the site fronting Midvale Road and Lavista Road. Staff recommends saving as many trees as possible in this area.

CONCLUSION

The proposed development meets the intent of the comprehensive plan in terms of density and primary land uses (single-family up to four units per acre) and the proposed twelve R-75 lots are compatible with the surrounding residential development. However, the introduction of fifty-one R-60 lots introduces a development pattern that is more dense, with substantially smaller lot sizes, than the existing development pattern along Midvale and Lavista. It also does not allow for true transitional zoning, as the twelve lots act more as a buffer than a transition. Staff recommends approval of the development, with conditions that increase the degree of compatibility and transitional zoning as a whole. See alternatives referenced earlier in the report.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, if approved, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-19-0005**.

1. Alternative(s) ___ shall be made into a condition of approval, which alters condition #2 and #3.
2. Use of the subject property shall be limited to a ___-unit single family detached development (___ units per acre).
3. The property shall be developed in general conformance with the site plan submitted on _____ to the Community Development Department, with revisions to meet these conditions.
4. The area of land subject to the R-75 zoning and R-60 zoning amendment shall be restricted to the land mass outlined approximately in Exhibit A: Legal Description Rezoning Tract (subject to be revised based on alternative).
5. The zoning delineation of the new lots shall be completed at final platting, in general conformance with the sign plan submitted on _____ to the Community Development Department. No lots shall be created with multiple zoning.
6. Dwellings shall have a minimum heated floor area of 1,800-square feet.
7. Each unit shall provide a minimum two-car garage.
8. Lots 1-10 and Lots 45-47 shall be clad in the same primary building material on all elevations. The rear and side-corner elevations shall be designed with windows and other architectural features in order to provide the appearance of a front façade, with the exception of a primary entrance, to ensure a consistent design appearance along Lavista Road, Midvale Road, and the entrance of the proposed development.
9. Lots 1-10 and Lots 45-47 shall be front loaded on the new internal road, with garages that meet the standards in Section 46-1417(m).
10. No rear façade shall be of the exact same design as any other rear façade of the adjacent homes located on Midvale Road or Lavista Road, along the same rear block-face of the subject residence (Lots 1-10 and Lots 45-47).
11. The homes on Lots 1-10 and Lots 45-47 shall be placed as close to the front setback line as possible in order to allow for the greatest separation between the homes and Lavista/Midvale Road.
12. A decorative metal/aluminum fence with stone or brick columns shall be constructed along the frontage of Lavista Road and Midvale Road. The new fence shall be constructed behind the existing stone wall on Midvale Road. A mix of evergreen and hardwood trees, shrubs, and ground cover shall be planted in front of and behind the fence along Lavista Road. The design

and location shall be subject to the review and approval of the Community Development Director.

13. A decorative metal/aluminum fence with stone or brick columns shall be constructed on the subject property near where it abuts the private cemetery to ensure protection of the grave sites.
14. The chain-link fence along Midvale shall be removed during the land development process.
15. The chain-line fence around the north side of the site shall be replaced with a fence that is compliant with Section 46-1340.
16. Developer shall install green stormwater infrastructure, including but not limited to vegetated filter strips and enhanced dry swales, subject to review and approval during the Land Development Process.
17. A mix of evergreen and hardwood trees, shrubs, and ground cover shall be planted around the detention ponds to screen the view from the residential units.
18. Within the transitional buffer, the natural topography of the land shall be preserved and existing growth shall not be disturbed except where necessary to remove dead or diseased trees and undergrowth or to enhance the buffer with additional landscaping in order to provide better screening.
19. All invasive shrubs or vines shall be removed.
20. The historical marker along Lavista Road shall be preserved on the site and located in an open space area that abuts either Lavista Road or Midvale Road.
21. Owner/Developer shall install a five foot (5') wide sidewalk and six-foot landscape strip (6') along both sides of the proposed internal streets.
22. Owner/Developer shall install a six foot (6') wide sidewalk and ten-foot landscape strip (10') along Lavista Road.
23. Owner/Developer shall dedicate along the entire frontage of Lavista Road such additional right-of-way as required to establish a minimum of two feet (2') from the back of the proposed sidewalk.
24. The mail kiosk shall have a designated ADA accessible handicap ramp with ADA accessible parking be at the mail kiosk.
25. 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.
26. The development shall be limited to one (1) full access entrance on Lavista Road. The location of said entrance shall align with Ashleywood Drive and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation. No access shall be allowed from

Midvale Road.

27. Owner/Developer shall install a deceleration into the proposed driveway on Lavista Road, subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.
28. The proposed stream crossing shall comply with all requirements of the Georgia Environmental Protection Division and the City of Tucker Land Development Code.
29. The detention ponds shall be located on a separate lot and shall be maintained by the Homeowners Association.
30. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum 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.
31. All healthy specimen trees in the open space, enhanced open space, pocket parks, stream buffers (including 75-foot no impervious surface setback), and transitional buffers shall be preserved during the development process if determined to not be diseased or damaged. The development around each tree shall be designed so that any grading and/or impervious surface is limited to 30% of the critical root zone of each specimen tree. The applicant shall submit a professional arborist report for review by the Community Development Director.
32. If determined to not be diseased or damaged, the following specimen trees located near the perimeter along Midvale Road and Lavista Road, shown on the "Boundary and Topographic Survey" shall be preserved: Point # 32313, Point #32315, Point #32318. The development around each tree shall be designed so that any grading and/or impervious surface is limited to 30% of the critical root zone of each specimen tree. The applicant shall submit a professional arborist report for review by the Community Development Director.
33. The subject property shall have a mandatory homeowner's association, created by the Developer, that will require, among other things, maintenance of the trails, common open space areas, transition buffer, and the detention ponds. The homeowner's association shall also be responsible for the protection of the stream buffers on the site.
34. Water and sewer approval is required by the DeKalb County Department of Watershed Management.

DEPARTMENT COMMENTS

ARBORIST

Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum tree density of fifteen (15) units/acre shall be required.

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

A sewer capacity request is required for the above rezoning application. As well as Watershed Management review for connection to public infrastructure.

The applicant also submitted an application to DeKalb Watershed Management. Staff also notes that as part of the application packet, the applicant included a Letter Showing Sewer Capacity”, dated July 29, 2019, giving a determination based on DWM’s wastewater collection, transmission, and treatment system has adequate capacity to receive wastewater flow contribution from the applicant’s sewer service connection as documented in the applicant’s sewer capacity request. The letter further states that, “approval to proceed with the project is granted with regards to sanitary sewer capacity. This “Letter Showing Sewer Capacity” also states that the determination of available capacity is not guaranteed as it is based upon the known conditions as of the date of the correspondence and on the anticipated capacity needs associated with the project.

DEKALB COUNTY FIRE MARSHAL OFFICE

Assuming that there will be some street parking allowed, the roads shall maintain 20 ft. width. Hydrant spacing shall be in accordance with 2012 IFC Appendix C.

DEKALB COUNTY SCHOOL SYSTEM

If approved, this development would add 26 students to DeKalb schools. Of those, 4 would attend Midvale ES, 2 would attend Tucker MS and 5 would attend Tucker HS and another 5 and other DCSD schools and 10 in private schools. Enrollment at the middle school is over capacity and the high school is near capacity with five portables. However, the impact from this development is expected to be small.

Schools	Total Capacity	Current Enrollment (October 2018)	Students generated from proposed development
Midvale ES	500	412	4
Tucker MS	1,222	1,292	2
Tucker HS	1,747	1,706	5

LAND DEVELOPMENT

- Currently property is currently zoned R-85 and R-100. The applicant is requesting a rezoning to R-60 and R-75 to construct the following improvements:
 - Total property size – 22.49 acres
 - 63 single-family lots
 - Site density – 2.80 units/acre

- A Traffic Impact Study is not required for this application per Section 5.3.4 of the City of Tucker code of Ordinances. However, a trip generation letter has been received.

Comments

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 and DeKalb County.
2. Sidewalks exist along the property frontages on both Midvale Road and Lavista Road. Owner/Developer shall be responsible for repairing any damaged sidewalk at no cost to the City of Tucker.
3. Additional right-of-way is required along Lavista Road to accommodate the deceleration lane.
4. All improvements within the right-of-way of Lavista Road require the approval of the Georgia Department of Transportation.
5. 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.
6. Water and sewer approval is required by the DeKalb County Department of Watershed Management.

Recommended Zoning Conditions for Requested Rezoning:

1. The development shall be limited to one (1) full access entrance on Lavista Road. The location of said entrance shall align with Ashleywood Drive and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation. No access shall be allowed from Midvale Road.
2. Owner/Developer shall install a five foot (5') wide sidewalk and six-foot landscape strip (6') along both sides of the proposed internal streets.
3. Owner/Developer shall install a six foot (6') wide sidewalk and ten-foot landscape strip (10') along Lavista Road.
4. Owner/Developer shall install a deceleration into the proposed driveway on Lavista Road, subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.
5. Owner/Developer shall dedicate along the entire frontage of Lavista Road such additional right-of-way as required to establish a minimum of two feet (2') from the back of the proposed sidewalk.
6. The proposed stream crossing shall comply with all requirements of the Georgia Environmental Protection Division and the City of Tucker Land Development Code.

7. 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.
8. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum 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.
9. Water and sewer approval is required by the DeKalb County Department of Watershed Management.