



Planning and Zoning
 1975 Lakeside Parkway, Suite 350
 Tucker, GA 30084
 Phone: 678-597-9040
 Email: LandDevelopment@tuckerga.gov
 Website: www.tuckerga.gov

Land Use Petition Application Checklist

FOR ALL REZONINGS, COMPREHENSIVE PLAN AMENDMENTS, SPECIAL LAND USE PERMITS, MODIFICATIONS, AND CONCURRENT VARIANCES

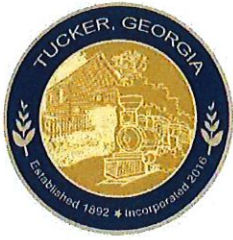
REQUIRED ITEMS	NUMBER OF COPIES	CHECK <input checked="" type="checkbox"/>
One (1) digital copy of all submitted materials	• One (1) flash drive or CD in .JPEG, .PDF format	<input checked="" type="checkbox"/>
Pre-Application Meeting Form	• One (1) Copy	<input type="checkbox"/> N/A
Public Participation Report	• One (1) Copy	<input checked="" type="checkbox"/>
Application, Signature Pages, Disclosure Form	• One (1) Copy each	<input checked="" type="checkbox"/>
Written Legal Description	• One (1) 8 ½" x 11" Legal Description	<input checked="" type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 9 for Requirements)	• Five (5) Full-Size (24" x 36") Copies of each • One (1) 8 ½" x 11" or 11x17 Site Plan of each	<input checked="" type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with Article 5)	• One (1) Copy	<input checked="" type="checkbox"/>
Letter of Intent	• One (1) Copy	<input checked="" type="checkbox"/>
Analysis of Standards/Criteria (See page 5)	• One (1) Copy (included in letter of intent)	<input checked="" type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input checked="" type="checkbox"/>
Trip Generation Letter (ITE Trip Generation Manual)	• One (1) Copy	<input checked="" type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study (See Sec. 46-1309)	• Three (3) Copies	<input type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input type="checkbox"/>
Environmental Impact Report	• Three (3) Copies	<input type="checkbox"/>
Noise Study Report	• Three (3) Copies	<input type="checkbox"/>
Other items required per the Zoning Ordinance	• Three (3) Copies	<input type="checkbox"/>
LAND USE PETITION FEE SCHEDULE		
Residential Rezoning	\$500	<input type="checkbox"/>
Multifamily Rezoning	\$750	<input type="checkbox"/>
Non-Residential Rezoning	\$750	<input type="checkbox"/>
Special Land Use Permit	\$400	<input type="checkbox"/>
Comprehensive Plan Amendment	\$1000	<input type="checkbox"/>
Modification	\$250	<input checked="" type="checkbox"/>
Variance (includes Concurrent Variance)	\$300	<input type="checkbox"/>
Public Notice Sign Fee	\$80 (per required sign)	<input type="checkbox"/>

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RZ-21-0002



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 1975 Lakeside Parkway, Suite 350
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 Email: permits@tuckerga.gov
 Website: www.tuckerga.gov

Land Use Petition Application

Type of Application: Rezoning Comprehensive Plan Amendment Special Land Use Permit
 Concurrent Variance Modification

APPLICANT INFORMATION		
Applicant is the: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: Dennis J. Webb, Jr. - Smith, Gambrell & Russell, LLP		
Address: 1105 W. Peachtree Street, NE		
City: Atlanta	State: Georgia	Zip: 30309
Contact Name: Dennis J. Webb, Jr.		
Phone: 404.815.3500	Email: djwebb@sgrlaw.com	
OWNER INFORMATION		
Name: Rocklyn Homes, Inc.		
Address: 3505 Koger Boulevard, Suite 275		
City: Duluth	State: Georgia	Zip: 30096
Contact Name: Timothy Jenkins		
Phone: 404.424.6723	Email: tjenkins@rocklynhomes.com	
PROPERTY INFORMATION		
Property Address: 3281 Tucker Norcross Road, Tucker, Georgia		
Present Zoning District(s): MR-1		Requested Zoning District(s): --
Present Land Use Category: Suburban		Requested Land Use Category: --
Land District: 18th	Land Lot(s): 288 and 290	Acreage: 8.43
Proposed Development: Rental Townhomes		
Concurrent Variance(s): N/A		
RESIDENTIAL DEVELOPMENT		
XXXXXX Dwelling Units: 80	Dwelling Unit Size (Sq. Ft.): +/- 1,500 sf	Density: 9.49 units /acre
NON-RESIDENTIAL DEVELOPMENT		
No. of Buildings/Lots: --	Total Building Sq. Ft.: --	Density: --

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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.



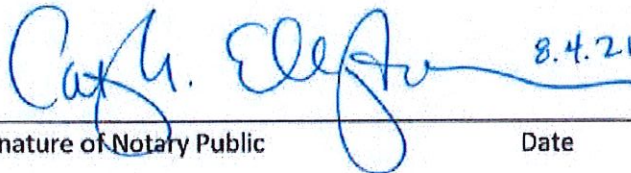
8.4.21

Signature of Applicant

Date

Dennis J. Webb, Jr. - Smith, Gambrell & Russell, LLP

Type or Print Name and Title



8.4.21

Signature of Notary Public

Date



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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), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

I, Rocklyn Homes, Inc., authorize, Dennis J. Webb, Jr./Smith, Gambrell & Russell, LLP
(Property Owner) (Applicant)

to file for _____, at 3281 Tucker Norcross Road, Tucker, GA
(RZ, CA, SLUP, M, CV) (Address)

on this date July, 22ND, 2021
(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.

Rocklyn Homes, Inc. Timothy Jenkins 7-22-21
Signature of Property Owner Date

TIM JENKINS V.P.
Type or Print Name and Title

[Signature] 7/22/21
Signature of Notary Public Date



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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.	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) Kathryn M. Zickert

Signature: *Kathryn M Zickert* Date: 07.22.2021

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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:

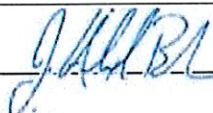
1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

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) J. Alexander Brock

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Signature:  Date: 07.22.2021

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RZ-21-0002



City of Tucker

Contact Name: Dennis J. Webb, Jr. - Smith, Gambrell & Russell, LLP

Meeting Date: August 5, 2021 and September 9, 2021

Meeting Location: via Zoom

Meeting Start Time: 7:00 pm

Meeting End Time: 8:00 pm

Number of people in attendance: 40 (08.05.21) and 26 (09.09.21)

Date of Filing of Land Use Petition Application:

General Introduction:

The Applicant held two community meetings via Zoom: one on August 5, 2021 and the second meeting on September 9, 2021. Notifications were sent to each property owner within 500' of the Subject Property (a copy of the letters and mailing lists are attached) listing the time and a link to the Zoom meeting. At each meeting, the Applicant gave an overview of the proposed Modification to allow 100% rental units at the townhome development. The Applicant then answered questions and concerns from the neighbors in attendance. A summary of each of the neighbors' questions and the responses are also attached to this report, as well as demonstratives used.

Summary of concerns and issues raised at the meeting: (See attached)

X
X

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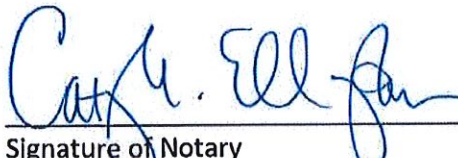
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- ☒ Meeting sign-in sheet (attendee report)
- ☒ Meeting minutes (question and answer report)
- ☒ Copy of the plan that was presented at the neighborhood meeting

I, the undersigned, as the applicant or an authorized representative of the applicant do solemnly swear and attest that the information provided is true and accurate. I have included a complete record of the neighborhood meeting, as well as an honest response regarding the intentions for development.

	09.10.2021
Signature of Applicant or Authorized Representative	Date
Dennis J. Webb, Jr. - Smith, Gambrell & Russell, LLP	09.10.2021
Type or Print Name of Applicant or Authorized Representative	Date

	09.10.2021
Signature of Notary	Date
My Commission Expires: 03.13.2025	



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EXCLUSIVE
HOMEBUILDER
OF THE
ATLANTA FALCONS

Dear Neighbors of 3281 Tucker Norcross Road,

Rocklyn Homes, Inc. is interested in developing the property at 3281 Tucker Norcross Road for a townhome community. To do so, Rocklyn Homes, Inc. seeks to modify the existing zoning condition that limits rental units to 25% or less. Rocklyn Homes, Inc. is proposing a professionally managed and maintained rental townhome community. The previously approved density, height, layout, and product type will not will not change. Further, all other zoning conditions on the property will remain unchanged.

Rocklyn Homes, Inc. has been voted Top 5 Home Builder by the Atlanta Business Chronicle. It builds quality single family homes and townhomes in Metro Atlanta providing outstanding pricing, features and buyer incentives.

The first step in the process is to hold a Public Participation (neighborhood) meeting with the community to discuss our proposal with you and receive feedback. This meeting is required before we can submit our application to modify the zoning conditions to the city. You are receiving this letter as you own property within 500' of our project. We hope you will be able to meet with us via ZOOM at the following time:

Meeting Date/Time: August 5, 2021 at 7:00 pm

Meeting Location: ZOOM:

<https://sgrlaw.zoom.us/j/96216056997?pwd=VzNaVIRZSWx4S1NTYzdtQWt1S2Fwdz09>

Or via call in: 301 715 8592 or 312 626 6799; Passcode: 590828

We have included a site plan of our current proposal in which we look forward to discussing with you and getting feedback on August 5, 2021. If you are unable to attend or wish to reach out beforehand, we can be reached at dwebb@sgrlaw.com or 404.815.3500.

A flyer outlining the land use petition process in the City of Tucker is also included. Questions relating to city matters can be addressed to info@tuckerga.gov.

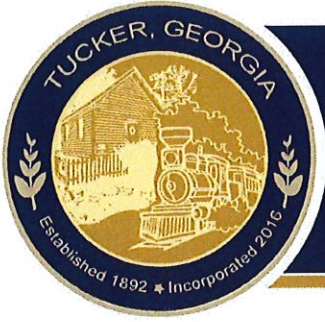
Sincerely,
Rocklyn Homes, Inc.
RocklynHomes.com

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Land Use Petition Process for Rezoning, Special Land Use Permits, and Comprehensive Plan Amendments

1

Before filing, the applicant must host a neighborhood meeting per our Public Participation Plan requirements. The point of this meeting is for the potential applicant to discuss the proposal with neighbors and get feedback or requests for changes. More information can be found here: tuckerga.gov/ppp

2

The applicant files an application with the City of Tucker. Deadlines are listed in the Land Use Petition Application.

3

Staff completes a technical analysis of the application based on the City of Tucker Zoning Ordinance and Comprehensive Plan. This report includes a staff recommendation.

4

The City holds Public Meetings

- Planning Commission
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
 - The Planning Commission votes on a recommendation to forward to City Council
- Mayor & City Council – 1st Read
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
- Mayor & City Council – 2nd Read
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
 - City Council can take a vote for final action on the request

Decisions on applications are based on the criteria that is set forth in the zoning ordinance. The criteria is located here: tuckerga.gov/landusecriteria

Please note that some applications, such as those that meet the Development of Regional Impact (DRI) standards, will have additional steps between filing an application and the Public Hearing.

For information about current land use petitions, including application information and public meeting dates, please visit: tuckerga.gov/landusepetitions

**John Gary Schaber
438 Bentley Place
Tucker, GEORGIA 30084**

**Zeddie Richardson Britt
277 Woodlands Court
Kingston Springs, Tennessee 37082**

**Howard Kinstlinger
1041 Bunker Drive
Akron, Ohio 44333**

**Hong Wang
Larry Zhang
3217 Seyler Place
Tucker, Georgia 30084**

**Jorge Bucio Garcia
Xochitl G Salgado Mojica
3393 Fowler Blvd
Lawrenceville, Georgia 30044**

**Deborah Aguirre
518 Bentley Place
Tucker, Georgia 30084**

**Errol Joseph Allen Jr
566 Northridge Crossing Drive
Atlanta, Georgia 30350**

**Bonnie Grizzard Payne
4211 Britt Road
Tucker, Georgia 30084**

**Herman B Rolader
Barbara Brady Rolader
4208 Britt Road
Tucker, Georgia 30084**

**Uvaldo L Flores
Maria Flores E Maria
315 Bentley Place
Tucker, Georgia 30084**

**Heather Lee Hartman
Anne M Brannon
4124 Spring Meadow Road
Tucker, Georgia 30084**

**Regina Elnor
3151 Red Oak Trail
Decatur Georgia 30034**

**Kimberlee Marie Pryor
432 Bentley Place
Tucker, Georgia 30084**

**Aysha Akhtar
Syed A Awal
526 Bentley Place
Tucker, Georgia 30084**

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**Henry E Vera
Sereriano W Rivas
4207 Scyler Way
Tucker, Georgia 30084**

**Jennifer Dixon
427 Bentley Place
Tucker, Georgia 30084**

**Joseph Witkauskis
1821 Lightwood Lane NW
Acworth, Georgia 30102**

**Sandra L Millard
424 Bentley Place
Tucker, Georgia 30084**

**Barbara Brady Rolader
Andrea Bonnie Cole Wahl
4220 Britt Road
Tucker, Georgia 30084**

**3204 Tucker Norcross LLC
3204 Tucker Norcross Road
Tucker, Georgia 30084**

**Jan Pohl
435 Bentley Place
Tucker, Georgia 30084**

**Masooda Omar
523 Bentley Place
Tucker, Georgia 30084**

**Timothy Thompson
336 Bentley Place
Tucker, Georgia 30084**

**Susan R Gomez
Diana M Gomez
318 Bentley Place
Tucker, Georgia 30084**

**Jennifer Bruce
414 Bentley Place B1
Tucker, Georgia 30084**

**Bonnie Grizzard Payne
4211 Britt Road
Tucker, Georgia 30084**

**Rocklyn Homes Inc.
3505 Koger Blvd., Ste 275
Duluth, Georgia 30096**

**Roderick Williams
3325 Shorelake Drive
Tucker, Georgia 30084**

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Ju Dong
4219 Scyler Way
Tucker, Georgia 30084

Melvin K Feng
Pei Jean Isabel Feng
4109 Spring Meadow Road
Tucker, Georgia 30084

Fikirete G Weldemedhin
Solomon Gebru
531 Bentley Place
Tucker, Georgia 30084

Arthur T Diaz
3009 Spring Branch Way
Tucker, Georgia 30084

Caroline Boccarossa
328 Bentley Place Unit 328
Tucker, Georgia 30084

Cue T Tran
651 Atwater Drive
Smyrna, Georgia 30082

Beatriz Avila Villarimo
535 Morning Mist Court
Alpharetta, Georgia 30022

Dashawn Bakari
P.O. Box 190306
Atlanta, Georgia 31119

Natalece Ivory Washington
337 Bentley Place
Tucker, Georgia 30084

Tracy L Jordan
3212 Scyler Place
Tucker, Georgia 30084

Alberto Andres Soler
238 Bentley Place
Tucker, Georgia 30084

Mahendra J Amin
Varsha Mahendra Amin
323 Bentley Place
Tucker, Georgia 30084

Jacob O Oluwoye
Oyedeji Oluwoye
102 Keystone Drive
Meridianville, Alabama 35759

Ashleigh N McNair
524 Bentley Place
Tucker, Georgia 30084

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Ethan Mayo
417 Bentley Place
Tucker, Georgia 30084

Marlen Llorente De Latorre
313 Bentley Place
Tucker, Georgia 30084

Connie Thornton Blasen
4203 Britt Road
Tucker, Georgia 30084

Alma M Smart
Emmett O Smart
433 Bentley Place
Tucker, Georgia 30084

Francisco Bravo
4167 Britt Road
Tucker, Georgia 30084

Erich McCall
425 Bentley Place
Tucker, Georgia 30084

Monica Ramirez Cruz
Sergio Ramirez Jimenez
516 Bentley Drive
Tucker, Georgia 30084

Frances McMahan
4085 Spring Meadow Road
Tucker, Georgia 30084

Eddie Grimes
Mary E Grimes
4215 Scyler Way
Tucker, Georgia 30084

Christopher A Ciamarra
521 Bentley Place
Tucker, Georgia 30084

Eric L Williams
331 Bentley Place
Tucker, Georgia 30084

Sofiya Shapiro
422 Bentley Place
Tucker, Georgia 30084

Rolando E Sanchez
Guevara De Sanchez M Lozano
513 Bentley Place
Tucker, Georgia 30084

Donald R Leady
3213 Scyler Place
Tucker, Georgia 30084

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**Sosna M Desta
3198 Scyler Place
Tucker, Georgia 30084**

**Lisa L Reichle
436 Bentley Place
Tucker, Georgia 30084**

**Debonee Morgan
Kenneth Daniel Howes
4189 Britt Road
Tucker, Georgia 30084**

**Katherine F Salvaras
1128 Country Ln Ne
Atlanta, Georgia 30324**

**Paul Weinfurter
16562 Oak Cir
Fountain Valley, California 92708**

**Yosief Amba
415 Bentley Place
Tucker, Georgia 30084**

**Michelle Engert Ramos
326 Bentley Place
Tucker, Georgia 30084**

**MH Tucker Square Holdings LLC
3717 Roswell Road Ne # 100
Atlanta, Georgia 30342**

**Girma Mammo
4203 Scyler Way
Tucker, Georgia 30084**

**Susana E Martinez Quintero
426 Bentley Place Unit 426
Tucker, Georgia 30084**

**Pablo Correa
Della Moore
527 Bentley Place
Tucker, Georgia 30084**

**Mong Chu Chen
5645 Grove Place Xing Sw
Lilburn, Georgia 30047**

**Daniel Sanchez
535 Bentley Place
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**Nermin Ljubovic
423 Bentley Place
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**Josue Etienne
522 Bentley Place
Tucker, Georgia 30084**

**Abel Henry
532 Bentley Place
Tucker, Georgia 30084**

**Bakul M Mehta
321 Bentley Place
Tucker, Georgia 30084**

**Feyisa Gemed
Aregash Akanaw
327 Bentley Place
Tucker, Georgia 30084**

**Annie Laura Haygood
3337 Shorelake Drive
Tucker, Georgia 30084**

**Hugo Rebollar Salinas
Rubielia VeGeorgia Sanchez
4187 Scyler Way
Tucker, Georgia 30084**

**Leonardo Visi
3202 Scyler Place
Tucker, Georgia 30084**

**Megan C Ahrens
538 Bentley Place # 180
Tucker, Georgia 30084**

**Russell Brantley Mathis Jr
4179 Britt Road
Tucker, Georgia 30084**

**To NGa Thi Dinh
4530 Fairway View Court
Duluth, Georgia 30096**

**Robert B Bailey
4195 Britt Road
Tucker, Georgia 30084**

**Richard Burris
Lisa Burris
Po Box 425
Headland, Alabama 36345**

**Thais Lemos Do Nascimento
3209 Scyler Place
Tucker, Georgia 30084**

**Jonathan W Jimenez
Gabriela Reyes Gonzalez
3234 Tucker Pointe Drive
Tucker, Georgia 30084**

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**Elliot W Stone
304 Hillcrest Ave
Warner Robins, Georgia 31088**

**Araujo Chris Leonel Ramirez
Velazquez Leonel Marti Ramirez
3298 Tucker Norcross Road
Tucker, Georgia 30084**

**Muhammad F H Yusuf
Saleha Nargis Yusuf
3216 Scyler Place
Tucker, Georgia 30084**

**Robert Pendergrast
2025 Albion Loop
North Augusta, South Carolina 29860**

**Kaleb G Teklemariam
324 Bentley Place
Tucker, Georgia 30084**

**James L Minyard
Angela Minyard
P.O. Box 88535
Atlanta, Georgia 30356**

**Jose Mario Aguinada
3286 Tucker Norcross Road
Tucker, Georgia 30084**

**Romelio R Solis
Ninfa N Solis
3238 Tucker Pointe Drive
Tucker, Georgia 30084**

**Joyce H Israel
205 E Russell St
Enterprise, Alabama 36330**

**Michael E Willingham
4183 Scyler Way
Tucker, Ga 30084**

**Mary Lynne Bailey
4161 Britt Road
Tucker, Georgia 30084**

**Barbara Ann Cohen
4093 Spring Meadow Road
Tucker, Georgia 30084**

**Carla C Hill
517 Bentley Place
Tucker, Georgia 30084**

**Rasha M Elmobashar
236 Bentley Place
Tucker, Georgia 30084**

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**Nermin Ljubovic
423 Bentley Place
Tucker, Georgia 30084**

**Yongfu Ge
505 Gavenwood Drive
Lawrenceville, Georgia 30044**

**Melanie Singleton
512 Bentley Place
Tucker, Georgia 30084**

**Great House Decatur LLC
2958 Pangborn Road
Decatur, Georgia 30033**

**Bentley Place Condominiums LLC
1760 Bass Road
Macon, Georgia 31210**

**Michael Chang
317 Bentley Place
Tucker, Georgia 30084**

**Terry W Kay
Tommie D Kay
314 Bentley Place
Tucker, Georgia 30084**

**Andenet Mengistu
325 Bentley Place
Tucker, Georgia 30084**

**Northfork Bank
P.O. Box 259039
Plano, Texas 75025**

**Robyn C Stokes
2500 Shallowford Road NE # 8532
Atlanta, Georgia 30345**

**Varavudth Rattanawan
434 Bentley Place
Tucker, Georgia 30084**

**Angelicia Barron
4197 Scyler Way
Tucker, Georgia 30084**

**Jeffrey Castillo
226 Bentley Place
Tucker, Georgia 30084**

**Alyssa L Takatori
437 Bentley Place
Tucker, Georgia 30084**

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**James Brandon Chewning
338 Bentley Place
Tucker, Georgia 30084**

**Marcel Drollinger
4125 Spring Meadow Road SW
Tucker, Georgia 30084**

**Adel Yarbou
3070 Mercer Drive Ste 200
Atlanta, Georgia 30341**

**Alisha Investments Inc.
3155 Pleasantdale Road
Tucker, Georgia 30084**

**Katherine Tess Rattanawan
311 Bentley Place
Tucker, Georgia 30084**

**Chang Sup Lee
3321 Tucker Norcross Road
Tucker, Georgia 30084**

**Kyle Lathon
Christine Dempster
431 Bentley Place
Tucker, Georgia 30084**

**Kofan LLC
6595 Roswell Road Ste G794
Atlanta, Georgia 30328**

**L. Rahman MD
Sm Rikta Begum
4114 Spring Meadow Road
Tucker, Georgia 30084**

**Annette Ryans
3208 Scyler Place
Tucker, Georgia 30084**

**Carmel Lewis
Martin Judene Wint
416 Bentley Place
Tucker, Georgia 30084**

**Gena Marie Diaz
515 Bentley Place
Tucker, Georgia 30084**

**Pleasantdale Village L P
Po Box 738
Estero, Florida 33929**

**Viktoria Alexandrou
4211 Scyler Way
Tucker, Georgia 30084**

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RZ-21-0002

**Edgar W Tingley
Karen M Tingley
3668 Prestwick Drive
Tucker, Georgia 30084**

**Mark Cohn
Jill Cohn
525 Bentley Place
Tucker, Georgia 30084**

**Timothy Daniel
533 Bentley Place
Tucker, Georgia 30084**

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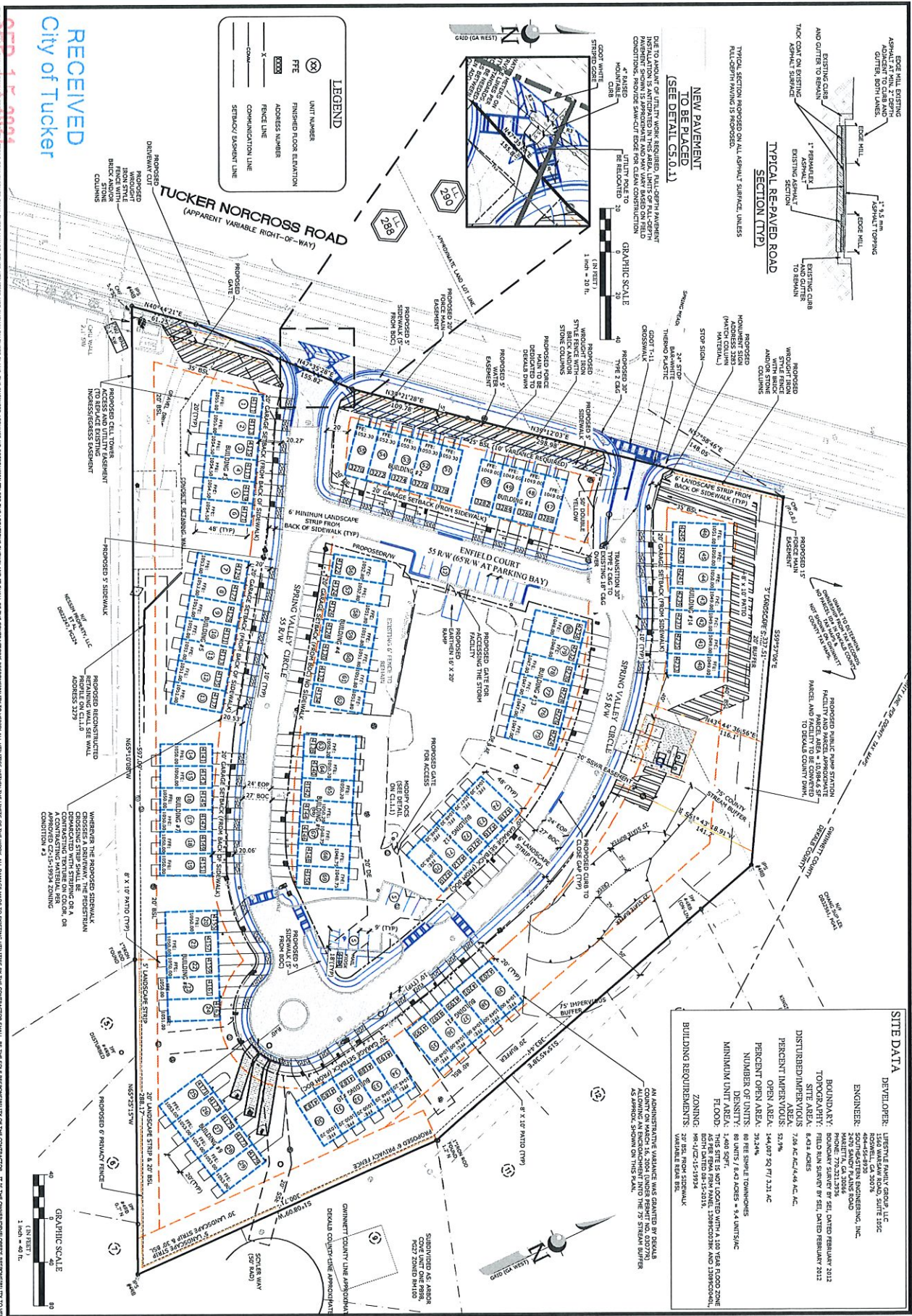
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Department

RZ-21-0002

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Department

R2-21-0002



SITE DATA

DEVELOPER: LIFESTYLE FAMILY GROUP, LLC
1500 WARSAW ROAD, SUITE 105C
ROSWELL, GA 30076

ENGINEER: SOUTHEASTERN ENGINEERING, INC.
1000 WOODBRIDGE DRIVE, SUITE 100
MARIETTA, GA 30066

BOUNDARY: 18TH DISTRICT, DATED RESUBDIVISION 2012
TOPOGRAHY: FIELD SURVEY BY SEI, DATED RESUBDIVISION 2012

SITE AREA: 4.934 ACRES
DISTURBED/IMPERVIOUS AREAS: 52.5%

PERCENT OPEN AREA: 14.00%
PERCENT OPEN AREA: 14.00%
PERCENT OPEN AREA: 14.00%

NUMBER OF UNITS: 80 UNITS / 40 APARTMENTS
MINIMUM UNIT AREA: 4.98 SQ FT
MINIMUM UNIT AREA: 4.98 SQ FT

NOTE: THIS SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE AS SHOWN ON THE 100 YEAR FLOOD ZONE MAP OF DEKALB COUNTY, GEORGIA, DATED 08/15/2018.

BUILDING REQUIREMENTS:
MINIMUM UNIT AREA: 4.98 SQ FT
MINIMUM UNIT AREA: 4.98 SQ FT

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SITE PLAN

LIFESTYLE FAMILY GROUP, LLC
1500 WARSAW ROAD, SUITE 105C
ROSWELL, GA 30076
404-456-8930

PROJECT LOCATED AT:
11. 288 & 290, 18TH DISTRICT
CITY OF TUCKER
DEKALB COUNTY, GEORGIA

24 HOUR CONTACT INFORMATION
JACK O'HANLON, 404-456-8930

No.	REVISION DESCRIPTION	DATE
1	CITY AND COUNTY RECLINES	7.13.2020
2	CITY AND COUNTY RECLINES	10-16-20
3		
4		

APR: 3055765

1162-19-665

AUGUST 5, 2021 MEETING SUMMARY

Question	Answer
How many family members can live in one unit?	The maximum occupancy is defined by the following: (1) the Tucker Zoning Code; and (2) the Fire Code.
Traffic safety is our main concern. Has there been any consideration of the impact that this will have on congestion?	The impacts of the development are no different. 84 units have been approved and Rocklyn is proposing 80 units. So, the development will result in a net decrease in traffic impacts overall. Further, the traffic impacts of 80 units are the same under both an ownership and rental structure.
How long will Rocklyn continue to manage this property?	Rocklyn has engaged Lincoln Property Company to manage the property. Rocklyn intends to own the property long-term but did not specify a duration.
What is the size of each unit? 2 BR or 3 BR?	All units are 3 Bedroom.
Is this a rent to own situation?	No.
Are you going to be installing sidewalks along the Tucker-Norcross property line?	Yes, and we showed a streetscape elevation at the second meeting.
How long does Rocklyn PLAN to own it? do they plan to convert to condo after a few years or sell it as an investment property as soon as it is fully leased?	Rocklyn Homes, Inc. plans to own the property long-term as a rental townhome community.
We have a 25% cap in our community, if this is changed to 100%, will that not force other communities to follow suit?	No. The change will only affect this one community.
What are the amenities in the community (green space, pool, playground)?	There is only one amenity: green space. There will be no pool, tennis courts, etc.
On average, how much did Lincoln increase rents for tenants in place this year?	The long-term national average is 3-4%.

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Department

R2-21-0002



EXCLUSIVE
HOMEBUILDER
OF THE
ATLANTA FALCONS

Dear Neighbors of 3281 Tucker Norcross Road,

As you may know, Rocklyn Homes, Inc. is interested in developing the property at 3281 Tucker Norcross Road for a townhome community. To do so, Rocklyn Homes, Inc. seeks to modify the existing zoning condition that limits rental units to 25% or less. Rocklyn Homes, Inc. is proposing a professionally managed and maintained rental townhome community. The previously approved density, height, layout, and product type will not will not change. Further, all other zoning conditions on the property will remain unchanged.

Rocklyn Homes, Inc. has been voted Top 5 Home Builder by the Atlanta Business Chronicle. It builds quality single family homes and townhomes in Metro Atlanta providing outstanding pricing, features and buyer incentives.

The first step in the process is to hold a Public Participation (neighborhood) meeting with the community to discuss our proposal with you and receive feedback. Rockland already held a meeting on August 5th. The meetings are required before we can submit our application to modify the zoning conditions to the city. You are receiving this letter as you own property within 500' of our project. We hope you will be able to meet with us via ZOOM at the following time:

Meeting Date/Time: September 9, 2021 at 7:00 pm

Meeting Location: ZOOM: <https://zoom.us/join>

Webinar ID: 933 3565 8154 - Passcode: 511252

Or via call in: 301 715 8592 or 312 626 6799

We have included a site plan of our current proposal in which we look forward to discussing with you and getting feedback on September 9, 2021. If you are unable to attend or wish to reach out beforehand, we can be reached at dwebb@sgrlaw.com or 404.815.3500.

A flyer outlining the land use petition process in the City of Tucker is also included. Questions relating to city matters can be addressed to info@tuckerga.gov.

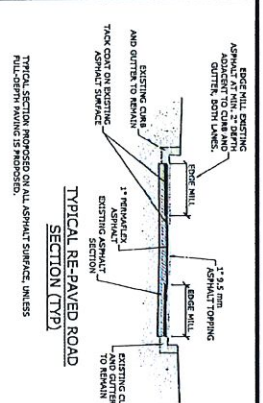
Sincerely,
Rocklyn Homes, Inc.
RocklynHomes.com

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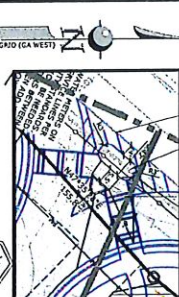
Community Development
Department

RZ-21-0002



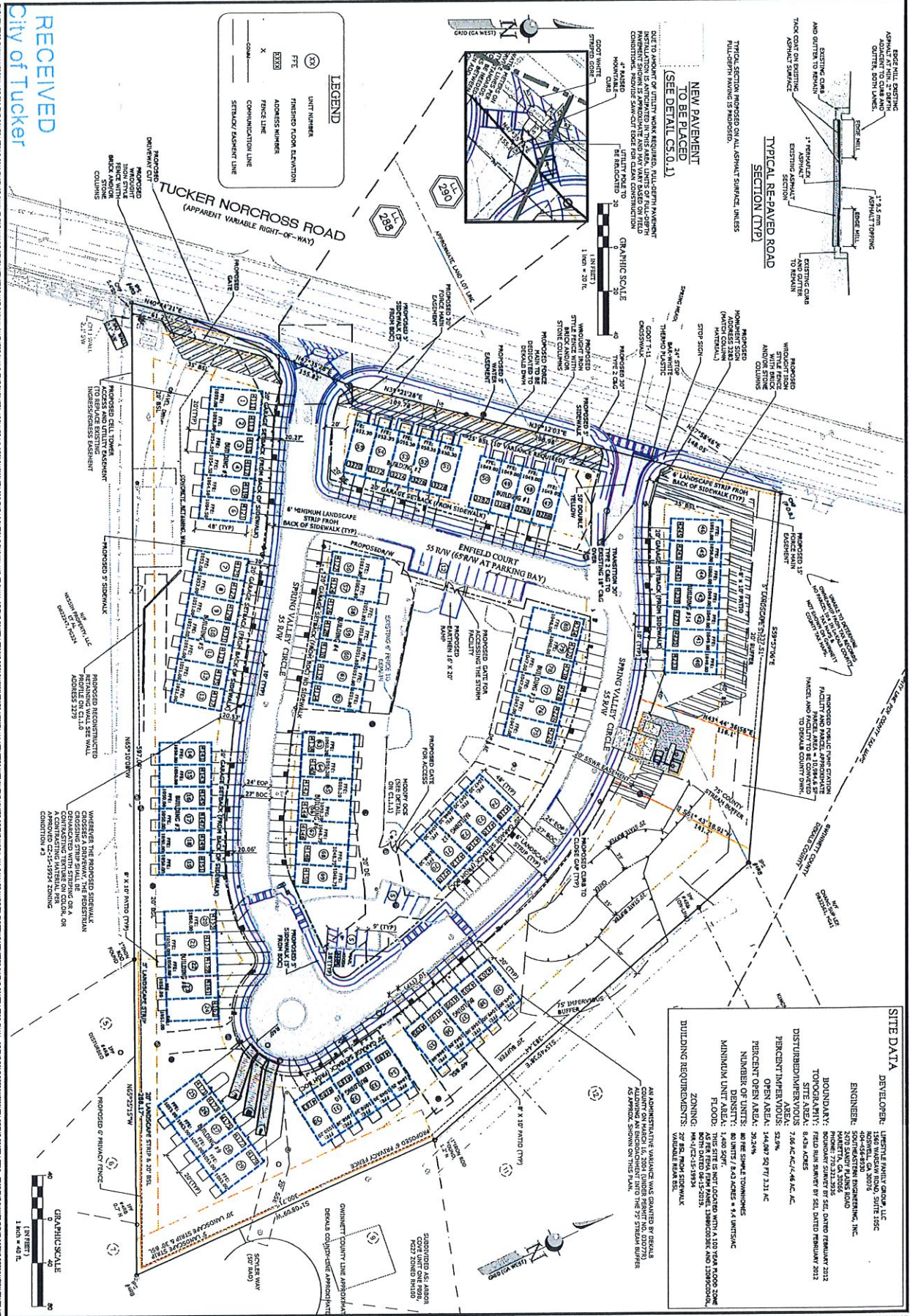
NEW PAVEMENT TO BE PLACED (SEE DETAIL CS 0.1)

EXISTING ASPHALT TYPING AND CUTTER TO REMAIN
1" ASPHALT
1.5" ASPHALT TOPPING
EXISTING ASPHALT AND CUTTER TO REMAIN



LEGEND

(X)	UNIT NUMBER
(FTE)	FISHED FLOOR ELEVATION
(XXX)	ADDRESS NUMBER
---	COMMUNICATION LINE
---	SETBACK / ADJACENT LINE



SITE DATA

DEVELOPER: LIFESTYLE FAMILY GROUP, LLC
 ENGINEER: SOUTHEASTERN ENGINEERING, INC.
 BOUNDARY: FIELD RUN SUMMER BY SET, DATED FEBRUARY 2012
 TOPOGRAPHY: FIELD RUN SUMMER BY SET, DATED FEBRUARY 2012
 DISTURBED AREA: 7.06 AC (C-4, R-4, M-4, C)
 PERCENT IMPERVIOUS: 52.3%
 OPEN AREA: 14.87 SQ FT / 2.1 AC
 PERCENT OPEN AREA: 39.2%
 NUMBER OF UNITS: 80 UNITS / 843 ACH + 54 UNITS/OC
 MINIMUM UNIT FLOOR AREA: 1,000 SQ FT (NOT LOCATED WITH A 100 SQ FT FLOOR AREA)
 FLOORING: AS PER FIRM FPM (MAY 1988) AND 128900000
 ZONING: M-4(C-2), S-1993-4
 BUILDING REQUIREMENTS: 37' HS. MIN SIDEWALK WALKABLE RAMP DEL.

AN ADMINISTRATIVE VARIANCE WAS GRANTED BY DEKALD COUNTY TO ALLOW AN IMPERVIOUS BUFFER AS SHOWN ON THIS PLAN.

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 Department
 R2-21-0002

SITE PLAN

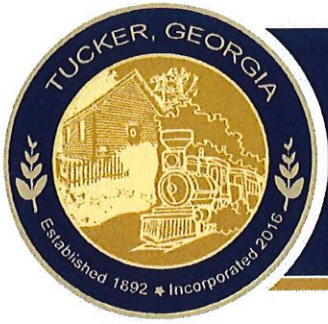
SPRING VALLEY TOWN HOMES
 PROJECT LOCATED AT:
 LL 288 & 290, 11TH DISTRICT
 CITY OF TUCKER
 DEKALD COUNTY, GEORGIA

PROJECT OWNED/DEVELOPED BY:
LIFESTYLE FAMILY GROUP, LLC
 1560 WARSAW ROAD, SUITE 105C
 ROSWELL, GA 30076
 404-456-8930
 24 HOUR CONTACT INFORMATION
 JACK O'HANLON, 404-456-8930

No	REVISION DESCRIPTION	DATE
1	CITY AND COUNTY REVISIONS	7.13.2020
2	CITY AND COUNTY REVISIONS	10-16-20
3		
4		

SEI
 SOUTHEASTERN ENGINEERING, INC.
 1160-19-663

APR: 3055765



Land Use Petition Process for Rezoning, Special Land Use Permits, and Comprehensive Plan Amendments

1

Before filing, the applicant must host a neighborhood meeting per our Public Participation Plan requirements. The point of this meeting is for the potential applicant to discuss the proposal with neighbors and get feedback or requests for changes. More information can be found here: tuckerga.gov/ppp

2

The applicant files an application with the City of Tucker. Deadlines are listed in the Land Use Petition Application.

3

Staff completes a technical analysis of the application based on the City of Tucker Zoning Ordinance and Comprehensive Plan. This report includes a staff recommendation.

4

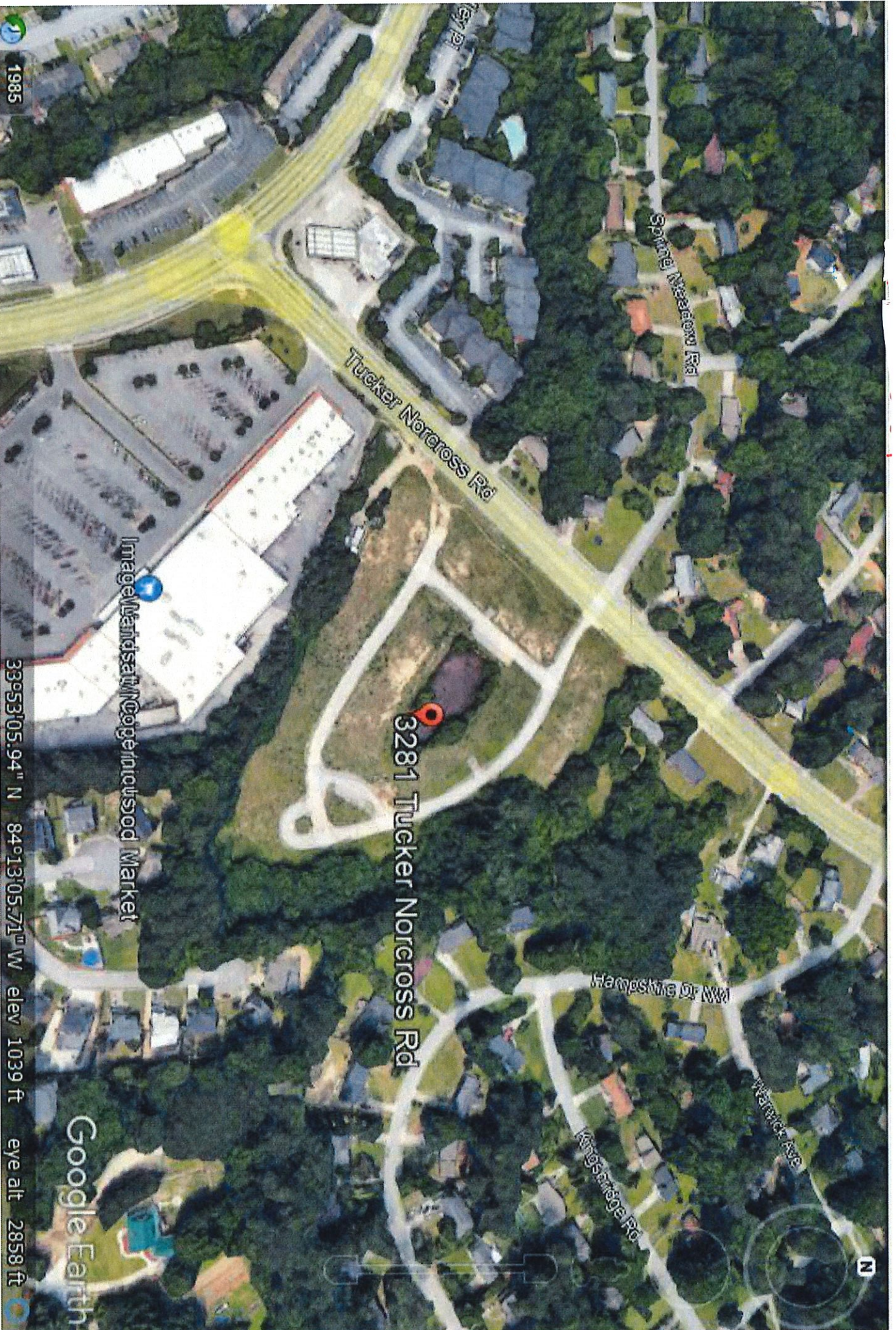
The City holds Public Meetings

- Planning Commission
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
 - The Planning Commission votes on a recommendation to forward to City Council
- Mayor & City Council – 1st Read
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
- Mayor & City Council – 2nd Read
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
 - City Council can take a vote for final action on the request

Decisions on applications are based on the criteria that is set forth in the zoning ordinance. The criteria is located here: tuckerga.gov/landusecriteria

Please note that some applications, such as those that meet the Development of Regional Impact (DRI) standards, will have additional steps between filing an application and the Public Hearing.

For information about current land use petitions, including application information and public meeting dates, please visit: tuckerga.gov/landusepetitions



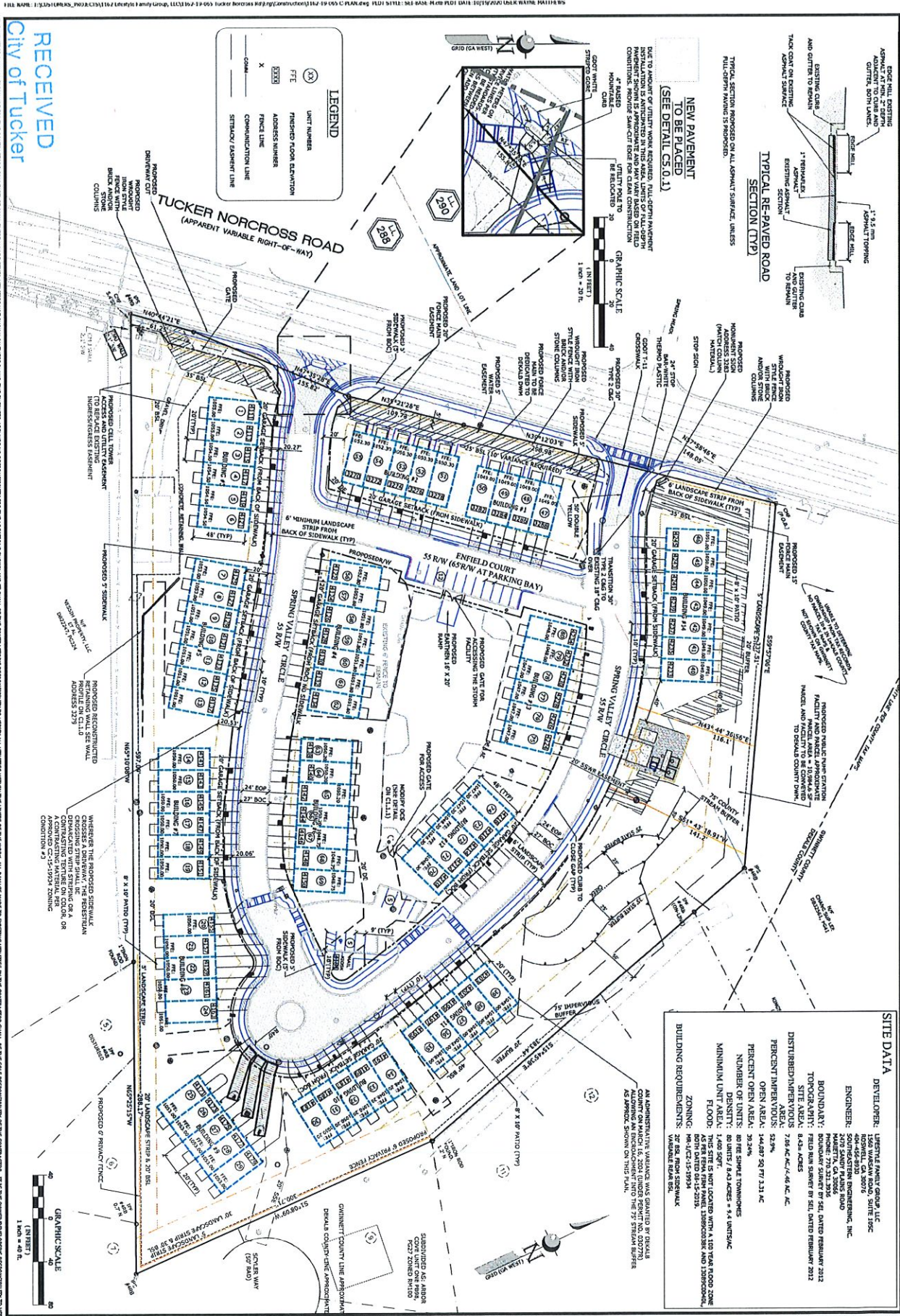
3281 Tucker Norcross Rd

ImageMandisa Noger-nicussod Market

1985 33°53'05.94" N 84°13'05.71" W elev 1039 ft eye alt 2858 ft

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SITE PLAN

SPRING VALLEY TOWN HOMES
 PROJECT LOCATED AT:
 LL 288 & 290, 18TH DISTRICT
 CITY OF TUCKER
 DEKALB COUNTY, GEORGIA

LIFESTYLE FAMILY GROUP, LLC
 1560 WARSAW ROAD, SUITE 105C
 ROSWELL, GA 30076
 404-456-8930

24 HOUR CONTACT INFORMATION
 JACK O'HANLON, 404-456-8930

SEI
 SOUTHEASTERN ENGINEERING, INC.
 4000 DUNCAN FARM ROAD, SUITE 100
 ROSWELL, GA 30076
 TEL: 770-321-2936 FAX: 770-321-9151

Project No.: 1102-21-002
 Drawing No.: 01
 Issue Date: 07-13-2020

C1.1.0

AP#: 3055765 1102-19-063



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Department

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SEPTEMBER 9, 2021 MEETING SUMMARY

Question	Answer
Can you elaborate on what you mean by 100% will be owned by Rocklyn- so no one can purchase?	Rocklyn Homes, Inc. will own all 80 units. None will be sold to individual owners.
Is Rocklyn paying for the pumping station?	Yes.
Where will the pumping station located?	The location of the pump station is shown on the site plan and we pointed it out on the second call.
Are you counting the storm water detention facility as "green space" ?	Yes.
Are the driveways tandem?	Yes.
How long will the typical lease be for each unit?	The typical lease term is one year.
What schools will serve this area? How many students feeding into Tucker area schools?	We did not have an answer to this question at the meeting and stated that we would provide this information in the Statement of Intent, which we have since done. The school impact will be similar, however where the units are owned or rented.
Will any storm or other water run off be directed under the Tucker Norcross Road into the stream and water system across the street into the Spring Meadow Neighborhood subdivision?	SGR does not recall the answer to this question. It was answered by the architect.
Will the community be gated?	No.
How will the traffic be affected on Tucker Norcross Road-- how will it affect the neighbors?	The current request will not change the traffic impact of what has already been approved. It will be the same whether the units are owned or rented.
Have you applied the for the change in zoning with the City of Tucker?	Not yet. Rocklyn plans to file on September 13.
Where will renters park their vans, construction vehicles?	Each unit has a parking space - construction vehicles are prohibited.
Will there be a stoplight added to make a left out of the community?	There are no plans to add a stoplight and one would only be approved after a warrant study.
Will industrial vehicles be allowed in the neighborhood?	No. The lease will prohibit industrial vehicles.
Is Rocklyn willing to commit to a memo of understanding with specific stipulations?	Rocklyn Homes, Inc. is willing to discuss this with the neighbors.
How can you control the guests that stay for months at a time and park their vans at the property?	There will be a 14-day limitation on guest occupancy, as set by national standards.
How will students be able to walk to the Tucker schools from this site?	We did not have an answer to this question but offered to get the information if requested by follow-up.
Can restrictions against construction trucks and vans be written into the lease?	Yes.
When does Rocklyn anticipate starting the build out?	After entitlements are secure, build-out of the rental community will take 8-months.
Will there be visitor limitations to 14 days?	Yes. The limitation will be specified in the lease.
Is the onsite management in an office, and what would the hours be for that office?	Lincoln Property Company will be on-site every day but will not maintain an office on the property.
Has a temporary power permit been issued?	No.
Could Rocklyn deal with any of the covid "can't evict laws" apply for renters here?	We believe the referenced laws apply to all tenants in the United States so, if still in place, it would apply.
How do we communicate with Rocklyn and Lincoln Properties in the future?	Rocklyn offered to provide the neighbors with 24-hour contacts.

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How will school buses get through the community?	We did not have an answer to this question, but generally pick up locations are established by the school district. This development will not be gated so there is the opportunity for pick up points internal to the site.
What was the completion time for rental versus owner occupied units?	8 months for the rental development; all 80 rental units will be constructed at the same time. As for "for sale" units, build out will take several years as construction would be phased.

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LEGAL DESCRIPTION

ALL THAT TRACT or parcel of land lying and being in Land Lot 288 and 290 of the 18th District of DeKalb County Georgia and being more particularly described as follows:

BEGINNING at a concrete monument found on the Southeasterly right-of-way of Tucker Norcross Road (having a variable right-of-way) as measured NORTH 57 DEGREES 58 MINUTES 46 SECOND EAST a distance of 148.05 feet from the intersection of the centerline of Tucker Norcross Road and Spring Meadow Road; THENCE departing said right-of-way and proceeding SOUTH 59 DEGREES 57 MINUTES 06 SECONDS EAST a distance of 337.51 feet to a point on the Northwesterly right-of-way of Kingsbridge Road (not open); THENCE proceeding SOUTH 15 DEGREES 45 MINUTES 38 SECONDS EAST a distance of 383.44 feet to a point; THENCE proceeding SOUTH 01 DEGREE 08 MINUTES 09 SECONDS WEST a distance of 300.71 feet to a point; THENCE proceeding NORTH 65 DEGREES 25 MINUTES 15 SECONDS WEST a distance of 288.17 feet to a point and one-inch iron rod found; THENCE proceeding NORTH 65 DEGREES 10 MINUTES 08 SECONDS WEST a distance of 597.09 feet to a point on the aforesaid right-of-way of Tucker Norcross; THENCE proceeding NORTH 40 DEGREES 44 MINUTES 21 SECONDS EAST along said right-of-way a distance of 61.25 feet to a point; THENCE proceeding NORTH 47 DEGREES 35 MINUTES 28 SECONDS EAST a distance of 155.82 feet to a point; THENCE proceeding NORTH 39 DEGREES 21 MINUTES 28 SECONDS EAST a distance of 109.78 feet to a point; THENCE proceeding NORTH 39 DEGREES 12 MINUTES 03 SECONDS EAST a distance of 298.98 feet to a point and POINT OF BEGINNING.

Said parcel contains 367,029 square feet or 8.43 acres.

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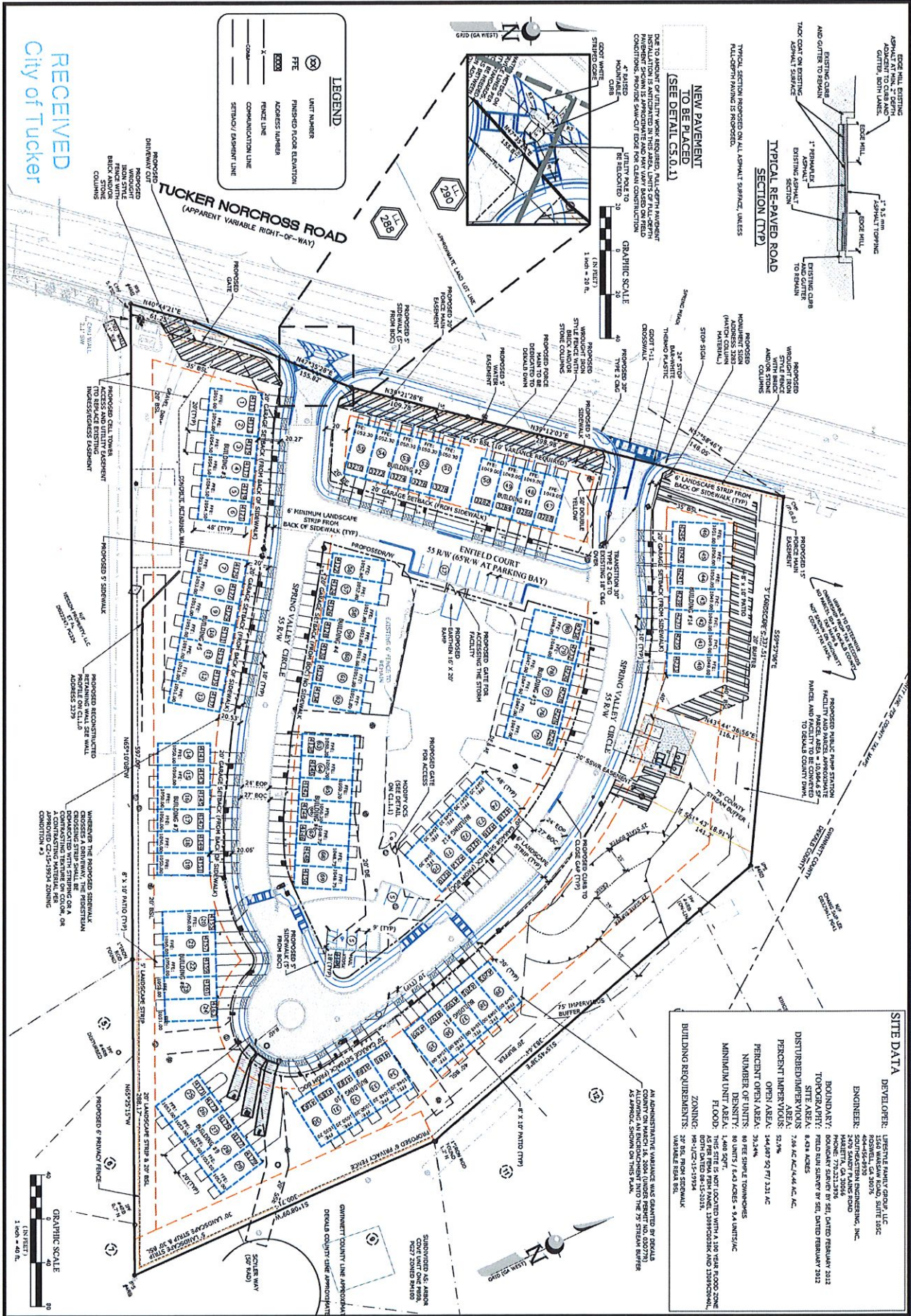
RZ-21-0002

CMC-03/07/12

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SITE DATA

OWNER: LIFESTYLE FAMILY GROUP, LLC
1560 WARSAW ROAD, SUITE 105C
ROSWELL, GA 30076
404-456-8930

ENGINEER: SOUTH-EASTERN ENGINEERING, INC.
11111 WOODBRIDGE DRIVE, SUITE 100
ROSWELL, GA 30076
404-456-8930

BOUNDARY: 11111 WOODBRIDGE DRIVE, SUITE 100
TOPOGRAHY: FIELD SURVEY BY SEI, DATED FEBRUARY 2012
SITE AREA: 8.439 ACRES
DISTURBED/IMPERVIOUS PERCENT IMPERVIOUS: 52.76%
PERCENT OPEN AREA: 47.24%
OPEN AREA: 40,027 SQ FT / 0.92 AC
PERCENT OPEN AREA: 52.76%
NUMBER OF UNITS: 143 UNITS / 143 APARTS - 84 SINGLE-FAMILY
DENSITY: 16.82 UNITS / AC
MINIMUM UNIT AREA: 1,409 SQ FT
FLOOD: THIS SITE IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE
08/14/2017 08:15:03Z
08/14/2017 08:15:03Z
ZONING: R-43
BUILDING REQUIREMENTS: 20' MIN. SIDEWALK
MINIMUM FLOOR FIN. 5'

AN ADMINISTRATIVE VARIANCE WAS GRANTED BY DEKALD COUNTY ON MARCH 16, 2008, UNDER PERMIT NO. 000770 AS ZONING DISTRICT FROM THE R-70 STRIPLAND DISTRICT TO THE R-43 DISTRICT ON THIS PROJECT.

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PROJECT OWNED/DEVELOPED BY:
LIFESTYLE FAMILY GROUP, LLC
1560 WARSAW ROAD, SUITE 105C
ROSWELL, GA 30076
404-456-8930

24 HOUR CONTACT INFORMATION
JACK O'HANLON, 404-456-8930

PROJECT LOCATED AT:
LL 288 & 290, 18TH DISTRICT
CITY OF TUCKER
DEKALD COUNTY, GEORGIA

ISSUED FOR REVIEW
DATE: 10/19/2020
DRAWING NO: C1.1.0

SEI
SOUTHEASTERN ENGINEERING, INC.
2410 14th Street, Roswell, Georgia 30076
Tel: 770-321-3333 Fax: 770-321-3315



ROCKLYN HOMES
The Most Important Home We'll Build Is Yours



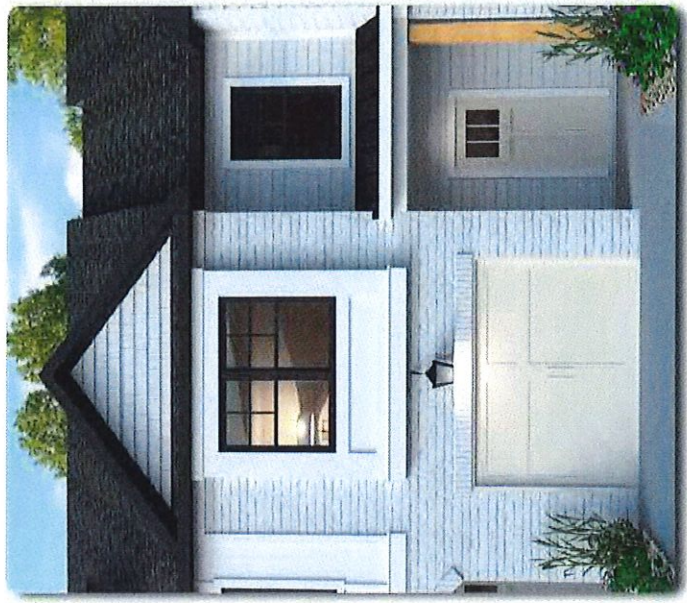
McAfee
Elevation H

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Mercer
Elevation K

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of Tucker
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RZ-21-0002

STATEMENT OF INTENT

and

Other Material Required by
City of Tucker Zoning Ordinance
for the
Application for a
Modification to Conditions of Zoning
of

ROCKLYN HOMES, INC.

for

±8.43 Acres of Land
located in
Land Lots 288 and 290, 18th District, DeKalb County

Address:
3281 Tucker Norcross Road

Submitted for Applicant by:

Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Smith, Gambrell & Russell, LLP
Suite 1000
1105 W. Peachtree Street, NE
Atlanta, Georgia 30309
404-815-3500

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SGR/25740417.1

I. INTRODUCTION AND ANALYSIS

This application seeks a Modification of the Conditions of Zoning for a ±8.43 acre property in the City of Tucker, zoned MR-1 Conditional, to allow a rental townhome development (“Modification”). The property is located in Land Lots 288 and 290 of the 18th District of DeKalb County on the southeast side of Tucker Norcross Road, 385 feet north of its intersection with Pleasantdale Road (“Subject Property”). The Subject Property is more particularly located at 3281 Tucker Norcross Road, (Parcel ID 18 288 02 001).

The Subject Property was rezoned in 2002 for a townhome community, subject to certain conditions, which were repeatedly modified thereafter (refer to Section II below for a detailed history). The current zoning and its twenty-four (24) conditions, approved under ordinance CZ-15-19934, contemplates the development of 84 fee-simple townhomes. The site was partially developed roughly fifteen years ago and has remained a pipe farm since that time. Among the conditions of Ordinance CZ-15-19934 were several that limited the development to 25% rental units with the remaining being fee-simple units only. The Applicant now requests to amend the conditions of CZ-15-19934 to allow a rental product and specifically seeks the following modifications:

- Amend Condition 1 to read “The development shall consist of 84 ~~fee-simple~~ townhome units.”
- Remove Condition 14 requiring the establishment of a homeowners’ association and covenants [*This is condition not required for rental units.*]
- Remove Condition 24 requiring a deed restriction limiting the number of rental units.

The Applicant is seeking the Modification to better position the development with the shifting demands in the residential market. There is a growing trend for a diversity of housing

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options beyond traditional single family for-sale and multifamily for-rent apartments. An increasing number of individuals wish to have the freedom that comes from renting a home, but want the benefits of a quality, single-family type home that cannot be found in a traditional apartment-style development. This type of housing can come in the form of rental duplex, triplex, quadruplex, or townhome type developments, among others. Unfortunately, this type of housing is noticeably absent in many residential markets, including the City of Tucker, and is commonly referred to as “missing middle” housing. In the City of Tucker, the most common form of housing is the single-family home which comprises approximately 70% of the housing and is predominantly ranch-style homes built between 1950 and 1990. *See Tucker Tomorrow Comprehensive Plan*, pg. 32. On the other end of the spectrum are the typical large-scale multifamily apartments. This leaves very few options for individuals that do not want the burdens of owning a home, yet want something beyond a typical multi-family apartment development.

The Applicant’s proposal for a rental townhome development fills this missing middle void. The Applicant seeks to maintain an 80-unit townhome design (4 units less than allowed by conditions), but allow it as a rental development. The Applicant will have a management company to oversee the operation and maintenance of the townhome community. In addition, the residents will enjoy the benefits of the townhome configuration, including garage parking, open decks attached to the units, common open space, all in a relatively smaller community (when compared to a traditional multi-family development). It is the Applicant’s intent that the proposed community will enhance the area and provide a much needed option for quality rental housing.

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The Applicant submits this document as a Statement of Intent with regard to this Application, a preservation of the Applicant's constitutional rights, and a written justification for the Application as required by the City of Tucker Zoning Ordinance, § 46-1560. A Site Plan has been filed with the original Application, along with the other required materials.

II. ZONING HISTORY

The Subject Property has been the focus of multiple rezoning and zoning modifications over the past forty-three (43) years. In 1978, the Subject Property was rezoned from R-85 to O-I, then in unincorporated DeKalb County, for use as a tennis center (CZ-78020). A two story metal building was developed on the site and used as the Tucker Racquet Fitness Center until it subsequently closed. In late 2002, Focus Development, Inc. brought Rezoning Application No. Z-02042 before the DeKalb County Board of Commissioners. The 2002 Rezoning Application sought to rezone the Subject Property from O-I to RM-100 for the development of a 100-unit townhome community. The rezoning of the Subject Property to RM-100 was approved on May 13, 2003, subject to 6 conditions proposed by staff and 25 conditions submitted by the Applicant. In early 2006, a Change of Condition request was approved (Z-06-1164) to modify the conditions including the reduction of the total number of units to be developed. In 2012, another Change of Conditions application was approved, amending the conditions to remove the requirement for an acceleration and deceleration lane and adding a condition requiring a sidewalk along Tucker-Norcross Road. In 2015, a third Change of Conditions application, CZ-15-19934, was approved by DeKalb County which replaced all prior conditions of CZ-78020, CZ-02-042, CZ-06-1164, and CZ-12-17717.¹ There were the numerous changes to the previous conditions including updating the site plan to the one prepared by John O'Hanlon, P.E., dated

¹ A large number of the prior conditions were incorporated into the final conditions of CZ-15-19934.

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May 6, 2015 and revised June 16, 2015; a reduction in the landscape strip along the southeastern boundary; restriction on access from Skylar Place and Skylar Way; and the naming of the development. Finally, in December 2019 an administrative modification was approved by the City of Tucker which modified condition 10 of CZ-15-19934 to allow for the sidewalk extension beyond the Norcross Tucker Road frontage to be paid to the City of Tucker in lieu of constructing the sidewalk. The conditions of CZ-15-19934, with the 2019 administrative modification, are the current conditions effecting the Subject Property and the ones the Applicant now seeks to amend.

III. IMPACT ANALYSIS

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

The Subject Property was rezoned prior to the adoption of the current Comp Plan, nonetheless, the proposed rental townhome use is in general harmony with the Comp Plan, which indicates the Subject Property as being within the Suburban (“SUB”) character area. The Comp Plan describes the SUB character area as one whose “neighborhoods are made up of a healthy housing stock consisting of a range of types and price points.” Although the Comp Plan notes the current range of housing as including “single-family homes, apartments, and assisted living”, it does not provide for any existing options in-between. *See Tucker Tomorrow Comprehensive Plan*, pg. 32. The Comp Plan also concedes that “[t]he most common form of housing is the single-family home (nearly 70% of housing units).” *See Tucker Tomorrow Comprehensive Plan*, pg. 49. The Comp Plan also notes a dislike for traditional multi-family apartment housing and a preference for townhomes:

“Rental multi-unit housing is seen as less attractive, particularly due to the desire to maintain the City’s current owner/rental mix. Townhome construction is viewed as being a desirable multi-unit product type and a good choice for infill housing along the city’s major transportation corridors.” *See Tucker Tomorrow Comprehensive Plan*, pg. 33

The proposed for-lease townhomes will introduce an option in-between the typical single family, fee-simple, home and apartments. Townhomes are identified as a primary land use in the SUB character area and the rental development will also meet several of the expressed strategies for development within the SUB character area:

- 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.
- 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.

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 Applicant is not proposing a new use or zoning that will affect the adjacent and nearby properties. The Subject Property has already been approved for townhome development since 2002 and has been partially developed. Moreover, the Applicant intends to build the townhomes in general conformance with the site plan contemplated by CZ-15-19934. The current request is for a Modification will allow a rental product and has no bearing on the number of units or site dimensional aspects of the development, thus will have no additional impact on the surrounding properties. To the south of the Subject Property is the Tucker Square Shopping Center, zoned C-1, as well as several single family lots within the Arbor Cove subdivision, zoned MR-1. To the north is a parcel, zoned O-I, which fronts directly on Tucker Norcross Road and contains a single family home. To the east are single family residential lots within the Hampshire Hills subdivision, which are zoned R-75 in unincorporated Gwinnett County. The uses of the surrounding properties are compatible with rental townhomes and will not be negatively affected by the proposed Modification.

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

No. As it can be seen from the extensive zoning history of the Subject Property, as outlined in Section II, there have been numerous zoning modifications approved in an effort to create a viable development. The Subject Property, however, has been developed but not completed since the original rezoning to R-100 over nineteen (19) years ago and will likely remain so absent a change in the zoning conditions. The proposed Modification will allow the completion of the Subject Property for a housing option that is largely missing in the City of Tucker.

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

No. As noted in the paragraphs above, the proposed Modification will not affect any site dimensional requirements of the development and is not anticipated to have any negative effects on 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.

As stated in previous paragraphs, the housing market in general has shifted towards a desire for a variety of housing types and options. A large portion of this variety comes from the “missing middle” housing which incorporates a housing type between traditional multi-family rental and fee-simple single family housing. The proposed rental townhome community fits neatly within this growing desire for the missing middle range of housing options.

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F. WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT HISTORIC 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 or located in the immediate vicinity that would suffer adverse impacts from the rezoning requested. Additionally, the proposed Modification will not affect the site design or scope of the townhome development.

G. WHETHER THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS.

No. The proposed Modification will not add any units, thus there will be no increase in demand on public services beyond what has already been approved for the development. As a result, there will be no increase in demand on the existing streets, transportation facilities, utilities, or schools from the grant of the proposed Modification.

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. NOTICE OF CONSTITUTIONAL CHALLENGES AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The current conditions of zoning on the Subject Property limiting it to fee-simple development are unconstitutional. The failure to modify the current zoning conditions the Subject Property as requested, would constitute the taking of property without due process and without the payment of adequate compensation in violation of the Fifth and Fourteenth

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Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

A refusal to approve the proposed zoning modification would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

The City of Tucker, Georgia Zoning Ordinance lacks adequate standards for the Mayor and City Council to exercise their power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Mayor and City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Mayor and City Council, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Ordinance also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

The Mayor and City Council are granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of the City of Tucker, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983.

Any limitation on the time for presentation of the issues before the Mayor and City Council who have the power to zone and rezone is a violation of the guarantees of free speech under Article I, Section I, Paragraph 5 of the Constitution of the State of Georgia, 1983 and the

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First Amendment of the Constitution of the United States of America. Further, said limitations are in violation of the right to petition and assemble, in violation of Article I, Section I, Paragraph IX of the Constitution of Georgia, 1983 and the First Amendment of the Constitution of the United States of America as well as the due process clauses of the Constitution of Georgia, 1983 and the Constitution of the United States of America.

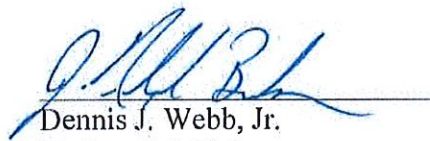
Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

VI. CONCLUSION

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

This 13th day of September, 2021.

Respectfully submitted,



Dennis J. Webb, Jr.
Kathryn M. Zickert
J. Alexander Brock
Attorneys For Applicant


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404-815-3500

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MEMORANDUM

TO: City of Tucker, Department of Community Development

FROM: J. Alexander Brock, P.E. Smith, Gambrell & Russell, LLP (GA P.E. 031209) 
Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP
Kathryn M. Zickert, Smith, Gambrell & Russell, LLP

DATE: July 30, 2021

RE: Environmental Site Analysis – 3281 Tucker Norcross Road

1) CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The property is a ±8.43-acre tract located in Land Lots 288 and 290 of the 18th District of DeKalb County on the northeast side of Tucker Norcross Road, 385 feet north of the intersection of Pleasantdale Road (Parcel ID 18 288 02 001) (“Subject Property”). The Subject Property has been mass graded, but does not contain any structures. The Applicant seeks a Modification of the Conditions of Zoning from Ordinance CZ-15-19934 to allow rental townhome units.

The City of Tucker approved the Tucker Tomorrow Comprehensive Plan (the “Comprehensive Plan”) on April 23, 2018. The proposed use was approved prior to the adoption of the current Comprehensive Plan, but is generally consistent with the Comprehensive Plan, which indicates the Subject Property as being within the SUB character area. The Comprehensive Plan’s stated policy and intent for the SUB character area is to preserve the suburban character of Tucker’s neighborhoods. The proposed rental townhomes will add to the suburban character of Tucker’s neighborhoods by increasing housing options.

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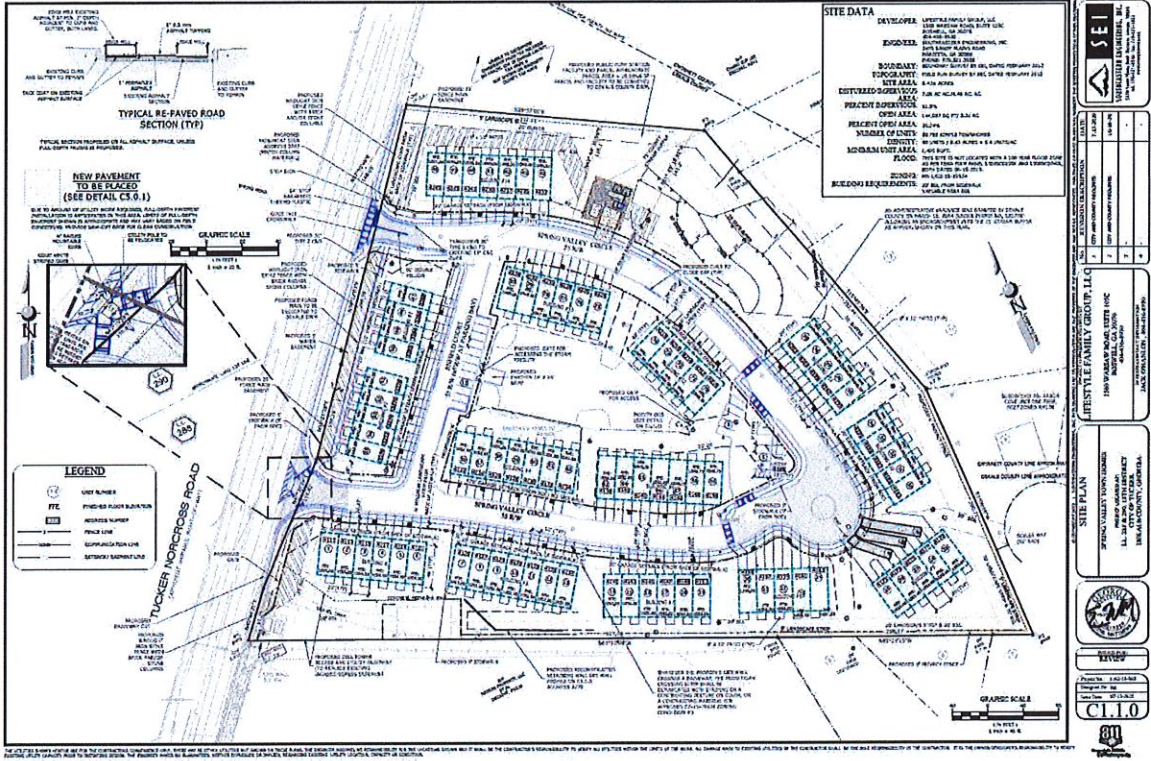


Figure 1. Site Plan

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2) ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

a) Wetlands

There are no wetlands on the property as indicated by the U. S. Fish and Wildlife Service, National Wetlands Inventory Maps. The proposed Application for a Modification to allow the development of rental townhome residences will have no impacts to any wetlands.

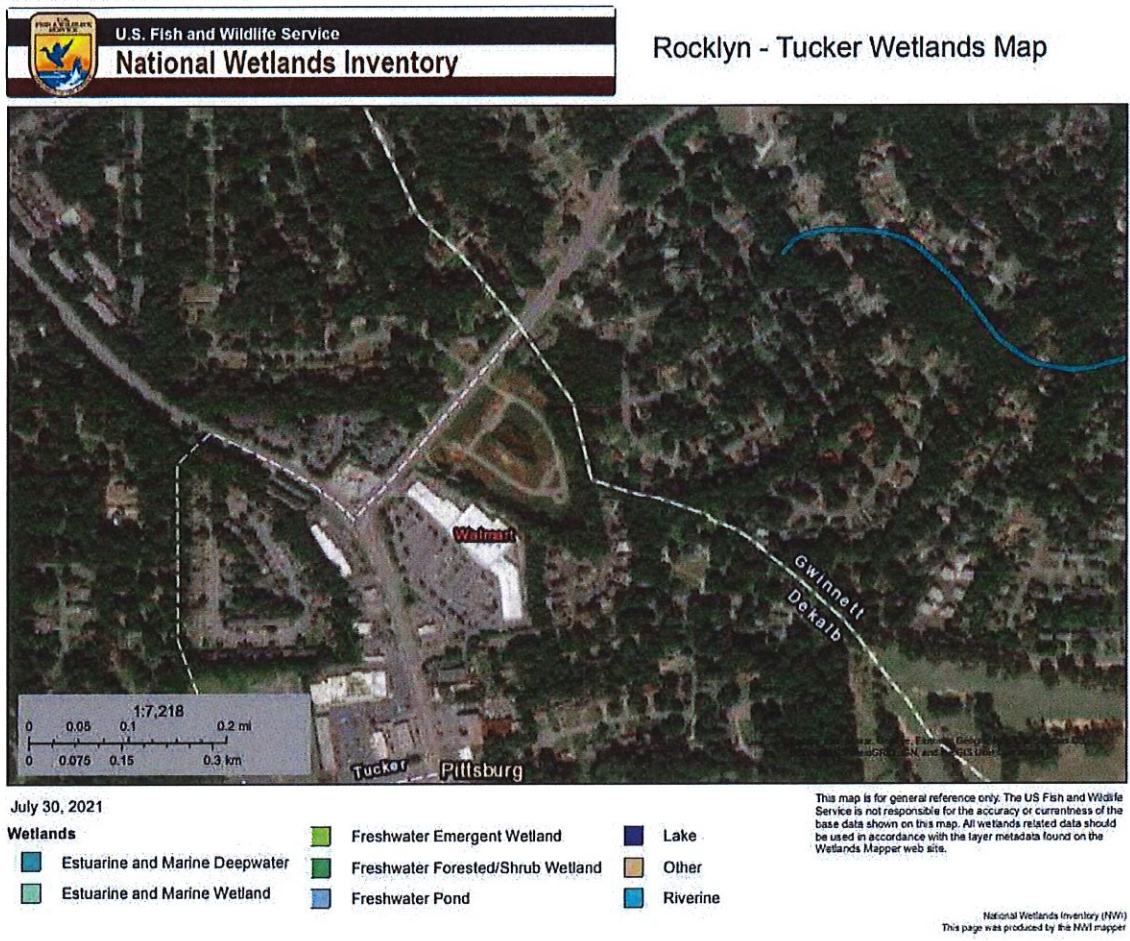


Figure 2. National Wetlands Inventory Map

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b) Floodplain

The Subject Property is not within any floodplain and is designated as an Area of Minimal Flood Hazard according to FEMA FIRM Map, Panel numbers 13089C0040L, effective August 15, 2019 and 13089C0038K, effective August 15, 2019. Accordingly, the proposed townhomes will not encroach into any portion of the floodplain.

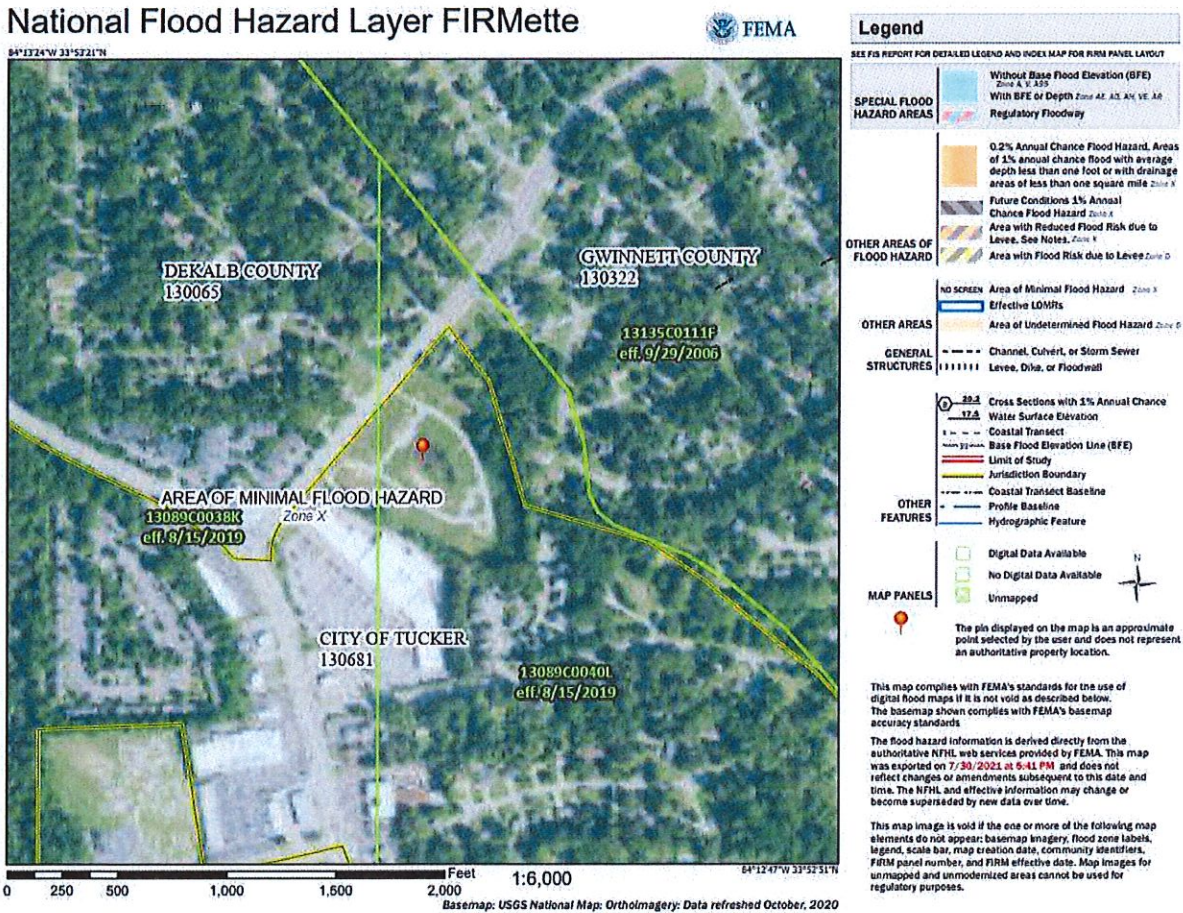


Figure 3. FEMA FIRM Panel

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c) Streams/stream buffers

There are no state waters present on the Subject Property based on site observations and as reflected in the design drawings prepared by Southeastern Engineering, Inc., dated July 13, 2020 and last revised October 16, 2020.

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

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

e) Vegetation

The project site has been mass graded with little remaining vegetation. An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed that there is one plant native to the region (Michaux's Sumac) that is endangered. This species was not found onsite.

f) Wildlife Species (including fish)

An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service, which did not indicate any endangered species in the area. The report did reveal that there are several species of migratory birds in the region. None were found to be present or nesting at the project location during the site visit on July 30, 2021.

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g) Archeological/Historical Sites

According Georgia's Natural, Archaeological and Historic Resources GIS (GNAHRGIS) maps, the project site is not on a historic or archaeological registry. The site is currently developed with several residential houses, a pool building and appurtenant site improvements.

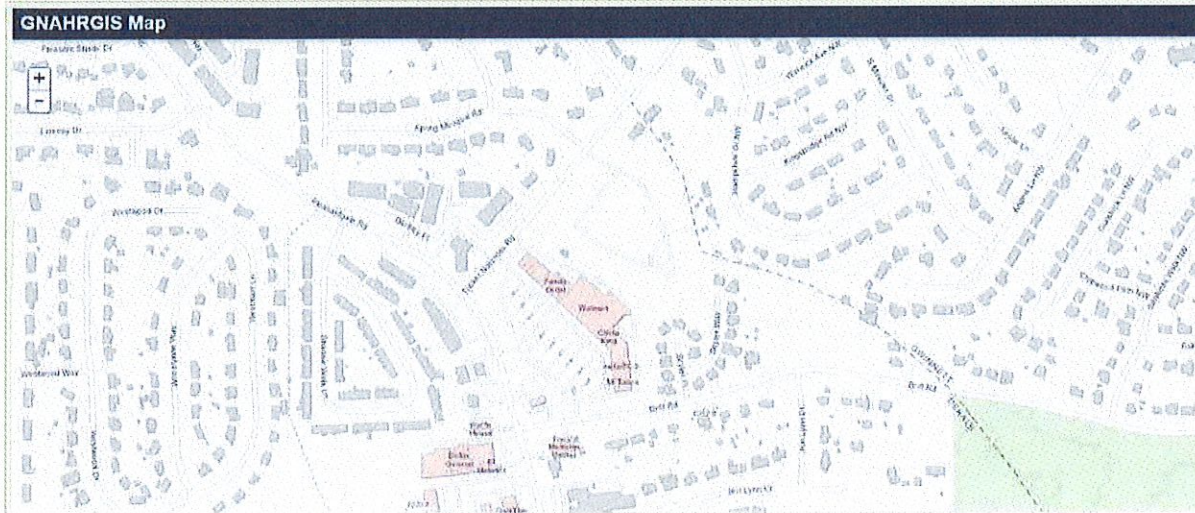


Figure 4. GNAHRGIS Map

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3) **PROJECT IMPLEMENTATION MEASURES.**

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

There are no environmentally sensitive areas identified on the Subject Property.

- b) **Protection of water quality**

The proposed project will treat stormwater for pollutants prior to discharge from the site. 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 use. The proposed use is not anticipated to overly burden existing utilities.

- d) **Minimization on archeological/historically significant areas**

No archeological/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 (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.**

There are no environmentally adverse conditions (waste treatment facilities, airports, landfills, etc.) and therefore, the Subject Property is not in an environmentally stressed area.

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

The proposed development will incorporate portions of the overall site for open space areas.

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

The proposed residential development will not have negative impacts on the surrounding uses. The proposed design, however, is incorporating the use of certain setbacks and buffers along the property lines which will minimize noise and lighting impacts to/from nearby properties along the other property lines.

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

No existing parks will be impacted.

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i) Minimization of impacts to wildlife habitats

No sensitive wildlife areas were observed during the July 30, 2021 site visit and as a result no impacts are anticipated.

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MEMORANDUM

TO: City of Tucker

FROM: J. Alexander Brock, Smith, Gambrell & Russell, LLP

DATE: September 15, 2021

RE: Trip Generation Report - 3281 Tucker Norcross Road

The property is located in Land Lots 288 and 290 of the 18th District of DeKalb County on the southeast side of Tucker Norcross Road, 385 feet north of its intersection with Pleasantdale Road (“Subject Property”). The Subject Property is zoned MR-1 Conditional pursuant to ordinance CZ-15-19934, which contemplates the development of 84 fee-simple townhomes.

This application seeks a Modification of the Conditions of Zoning to allow rental townhomes (“Modification”). The development proposes 80 townhome units, which is less than the 84 townhomes that are already approved under CZ-15-19934 and will result in a net decrease in vehicular trips. The Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition), to calculate vehicle trips for the 80 proposed townhomes. The 80 townhomes are expected to generate ± 465 total weekday trips, ± 35 trips during the AM weekday peak hour and ± 42 trips during the PM weekday peak hour:

Prop. Townhomes (ITE 230)¹
80 Townhomes

	Units	Rate	Total
Weekday	80	5.81	464.8
AM Peak	80	0.44	35.2
PM Peak	80	0.52	41.6

This is compared to the ± 488 total weekday trips, ± 37 trips during the AM weekday peak hour and ± 44 trips during the PM weekday peak hour generated by the 84 townhomes approved under CZ-15-19934:

¹ The ITE Trip Generation Manual (Ninth Edition) includes a category 224 for rental townhomes, however it also cautions that it is based on only one observation and “[u]sers are cautioned to use data with care due to the small sample size”. See ITE Trip Generation Manual (Ninth Edition), pg. 392. Due to the caveats against the category 224, the Applicant has used ITE category 230, Residential Condominium/Townhouse to calculate the trip generation.

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Ex. Townhome (ITE 230)

84 Townhomes

	Units	Rate	Total
Weekday	84	5.81	488.04
AM Peak	84	0.44	36.96
PM Peak	84	0.52	43.68

Net Change in Trips

	Proposed (80 Townhomes)	Existing (84 Townhomes)	Net
AM Peak	464.80	488.04	-23.24
AM Peak	35.20	36.96	-1.76
PM Peak	41.60	43.68	-2.08

As demonstrated in the tables above, the proposed development will result in a net decrease in what is already allowed for Subject Property. As a result, the approval of the requested Modification will not increase demand on the existing streets or transportation facilities.

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