



# City of Tucker

**Land Use Petition:** RZ-22-0002

**Date of Staff Recommendation Preparation:** May 3, 2022

**Planning Commission:** May 19, 2022

**Mayor and City Council, 1<sup>st</sup> Read:** June 13, 2022

**Mayor and City Council, 2<sup>nd</sup> Read:** July 11, 2022

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<b>PROJECT LOCATION:</b>	2245 & 2249 Northlake Parkway
<b>APPLICATION NUMBER</b>	RZ-22-0002
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 210
<b>ACREAGE:</b>	7.29 acres
<b>EXISTING ZONING</b>	NL-4 (Vista Dale Court)
<b>EXISTING LAND USE</b>	Approved for 80 townhomes (RZ-21-0001), however an office building is currently constructed on the site.
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Regional Activity Center
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	SDM Northlake, LLC
<b>OWNER:</b>	SDM Northlake, LLC
<b>PROPOSED DEVELOPMENT:</b>	Major modification to approved conditions of zoning for RZ-21-0001.
<b>STAFF RECOMMENDATION:</b>	Approval with conditions of RZ-22-0002.

**BACKGROUND**

In June of 2021, the subject properties were rezoned (RZ-21-)0001 and CV-21-0001 from NL-2 (Northlake-Office Park) to NL-4 (Northlake-Vista Dale Court) to allow for an 80-unit, for rent, townhome development (O2021-05-08). With this rezoning, 27 conditions were placed on the property regarding materials, pedestrian connectivity, and guest parking. The applicant stated during the public participation plan meeting that all parking would be provided on the site at the new development, and that there would not be parking for guests or residents in the parking deck on the neighboring property (east). During the land use process, guest parking was conditioned in surface spaces on the adjacent lot. However, the proposed conversion of office to multi-family triggered the need for the developer to relocate the guest parking from the surface lot to the parking deck due to the need for an expanded fire lane and outdoor amenity area. A major change of conditions requires approval via the land use process.

In January 2022, a Land Disturbance Permit (LDP) for the site was submitted to the City of Tucker. (PLD22-0002). The LDP has not been issued yet.

In February 2022, the applicant discussed the potential of turning the existing office building on the adjacent property into a multi-family development at a density of more than 24 units per acre, which would require a Special Land Use Permit (SLUP). In April 2022, the applicant submitted a SLUP application (SLUP-22-0002) to allow for the development of 216 multi-family apartment units within the existing 9-story office building on the parcels to the east of the subject property.

All four parcels, 2245 and 2249 Northlake Property (RZ-22-0002) and 2247 and 2251 Northlake Parkway (SLUP-22-0002) are currently owned by the same entity.

**PROJECT DATA**

The applicant is requesting a major modification to amend two conditions of zoning that currently exist on the properties. The requested amendments specifically relate to relocating the 23 proposed guest parking spaces for the townhome development from the southeastern corner of the subject property to the existing parking deck.

The applicant is proposing to amend condition 2 to reflect the updated site plan and condition 8 to allow visitor parking to be located within the adjacent, approximately 1,200 space parking deck as opposed to the adjacent surface lot. The existing conditions state:

2. The property should be developed in general conformance with the site plan submitted on March 8, 2021 to the Planning and Zoning Department, with revisions to meet these conditions.
8. The 23 surface parking spaces at the southeast corner shall be reserved for guest parking for the townhome development.

If approved, an access easement would be required to be recorded with DeKalb Superior Court in order for guests of the townhome development to legally access the parking deck at 2247 Northlake. Staff has included this as a condition.

The applicant is not requesting any other changes.

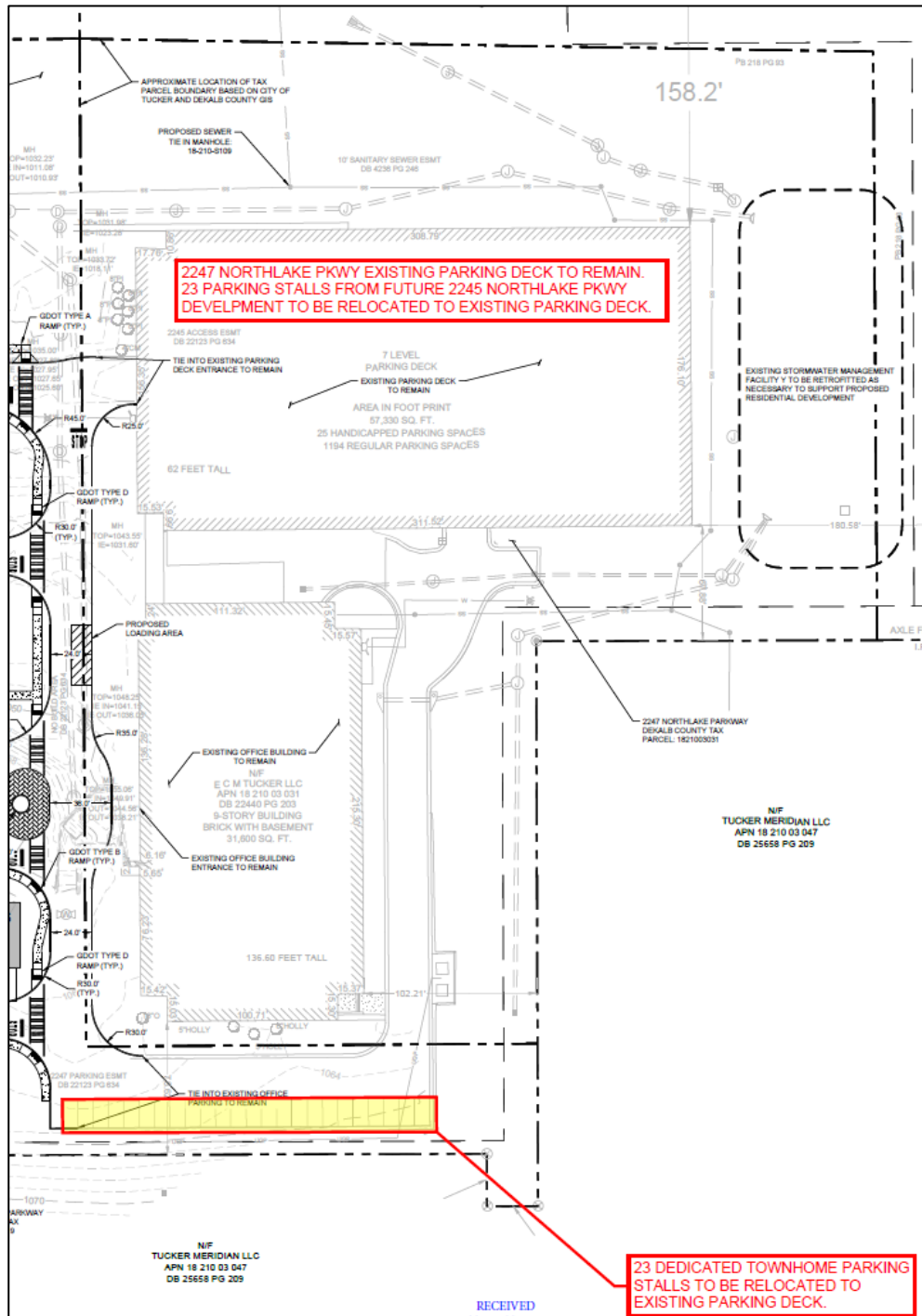


Image showing the proposed relocation of the 23 guest parking spaces.

**CHARACTER AREA (Future Land Use)**

The subject parcel is in the Regional Activity Center on the Future Land Use Map. Primary Land Uses in the Regional Activity Center Character Area include townhomes, apartments, condominiums, retail and service commercial, office, entertainment and cultural facilities, and public/private recreational uses. Development strategies include encouraging a relatively high-density mix of retail, office, services, and employment to serve a regional market area; developing a diverse mix of higher-density housing types

including affordable and workforce housing; designing streetscapes to be pedestrian-oriented; and making connections to nearby networks of greenspace or trails.

**PUBLIC PARTICIPATION PLAN REPORT**

The applicant hosted a one-hour-and-fifteen-minute-long community meeting on March 30, 2022, after mailing a letter and site plan explaining the proposed project to all property owners within 500 feet of the subject parcel. Thirteen people were in attendance, including the applicant and developer.

This community meeting was held in conjunction with the community meeting for the adjacent parcels, 2247 & 2251 Northlake Parkway (SLUP-22-0002). While the applicant spoke on the proposed modification for the relocation of visitor parking, no community meeting attendees had questions/comments/or concerns regarding this portion of the project.

**NEARBY/SURROUNDING LAND ANALYSIS**

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	NL-2 (Office Park)	Habersham at Northlake office park
Adjacent: East	NL-2 (Office Park) and R-85 (Residential Medium Lot-85)	Office building and parking deck; Winding Woods neighborhood
Adjacent: South	NL-2 (Office Park)	Tucker Meridian shopping center
Adjacent: Northwest	NL-2 (Office Park)	Office building and surface parking lot
Adjacent: Southwest	NL-2 (Office Park)	Office building, restaurant, The Reid Apartments
Adjacent: West	NL-2 (Office Park)	Bank



*Aerial Exhibit showing surrounding land uses.*

## Major Modification/Rezoning (RZ-22-0002)

The process and regulations for modifications and changes to approved conditions of zoning are outlined in Sec. 46-1565 of the City of Tucker Zoning Ordinance. This section falls under Division 3: Zoning and Comprehensive Plan Amendments and Procedures. Minor changes can be handled administratively, but major changes such as changes to conditions of approval require the full public hearing process and review. 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 meets the intent of the Comprehensive Plan in terms of promoting adaptive reuse and infill development in the office park at Northlake, specifically by "expanding services and conveniences for tenants within the Northlake Area." By providing guest parking that is covered and in closer proximity to the townhomes than in an uncovered parking area, the applicant is able to create a safer and more pedestrian friendly environment for the townhome development.

**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.**

Amending a condition of zoning to allow for the relocation of the required guest parking from a surface lot to the adjacent parking deck is suitable in the view of the use and development of adjacent and nearby properties at the present time. The surrounding properties include office and retail uses as well as a multi-family development. The relocation of the proposed parking, so long as an access easement is agreed upon and recorded by the property owners, would benefit the townhome community as it would provide guest parking that is covered, as opposed to providing surface parking, which would expose vehicles to the elements.

**3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

The subject property does have a reasonable economic use as currently zoned. The proposed modification, to relocate guest parking from the 23 uncovered spaces at the southeastern corner of the parcel to the adjacent parking deck, is not expected to change the economic use of the property but would provide an amenity for the townhome development not currently offered.

**4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.**

The modification is not anticipated to adversely affect the existing use or usability of nearby properties. The parking deck has approximately 1,219 parking spaces. Granting the townhome development to use 23 of the 1,219 parking spaces would not significantly impact the existing office

building/proposed multi-family building but would provide an amenity and safer parking options for the townhome guests.

**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 parcels that are a part of this rezoning application. However, the intent when this rezoning first went through the process was to leave the 9-story office building at the real as office use. This modification is required due to site changes created by the proposed office conversion.

**6. Whether the zoning proposal will adversely affect historic buildings, site, districts, or archaeological resources.**

There are no known historic buildings, sites, districts or archaeological resources on the subject properties.

**7. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The requested zoning modification would not cause any additional impact to streets, transportation facilities, utilities, or schools.

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

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

**CONCLUSION**

The proposed development and the modification request meet the intent of the comprehensive plan to promote adaptive reuse and infill development in the office park at Northlake, specifically by providing expanded services and conveniences for tenants. The condition change that has been requested meets the intent of the original condition and provides a safer, more attractive option/amenity for the townhome development.

Therefore, Staff recommends **APPROVAL WITH CONDITIONS** of the requested rezoning.

## Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-22-0002**. *Condition changes are shown in italics.*

1. Use of the subject property shall be limited to a 80-unit rental townhome development.
2. The property should be developed in general conformance with the site plan submitted on *April 19, 2022* to the Planning and Zoning Department, with revisions to meet these conditions.
3. A landscape plan for the pocket parks shall be submitted for review and approval by the Planning and Zoning Director.
4. The maximum lot coverage on the overall site shall be increased to 52% (CV-21-0001)
5. The minimum lease term shall not be shorter than 6 months.
6. The owner/property manager shall have an office in a model unit on the site during the development process. The owner/property manager shall have operations and maintenance personnel assigned to the community and will provide their contact information (24 hours per day/ 7 days per week) to all residents and to local authorities.
7. A mail kiosk and two parking spaces shall be provided on site.
8. *A minimum of 23 parking spaces in the adjacent parking deck shall be reserved for guest parking for the townhome development. Signage shall be provided that designates these spaces as guest parking for both uses.*
9. Each unit shall provide a two-car garage.
10. Architectural detailing on townhouses shall meet Article 3 and Article 5 (when applicable) of the Zoning Ordinance.
11. Each townhome shall have a defined walkway and/or porch/stoop from the sidewalk to the front doors.
12. No units shall encroach into any storm drain or sanitary sewer easements.
13. Driveways shall be a minimum of twenty feet (20') from the alley back of curb to the face of structure to accommodate the off-street parking of vehicles.
14. The private alley shall be constructed per the City of Tucker Development Regulation, including width, pavement design, and curb.

15. The private alleys shall be signed and striped as a No Parking zone.
16. The detention pond shall be located on a separate lot of record.
17. The development of the property is contingent on approval from DeKalb County Department of Watershed Management.
18. The development shall be limited to two (2) full access driveways on Northlake Parkway. The southern driveway shall align with the existing traffic signal at Northlake Parkway / Northlake Center Drive. Curb cut locations are subject the sight distance requirements and the approval of the City Engineer.
19. Owner/Developer shall maintain efficient operation of the existing traffic signal as required by the City Engineer, at no cost to the City of Tucker.
20. Owner/Developer shall construct a ten foot (10') wide concrete trail and 5' landscape strip along the entire frontage of Northlake Parkway / Northlake Center Drive. Alternative layouts to preserve the existing oak trees along Northlake Parkway may be authorized so long as the trail is ten feet (10') along the entire length of the frontage. These alternatives shall be reviewed at the land disturbance permitting stage, subject to the review and approval of the Planning and Zoning Director.
21. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way as required to have a minimum of two feet (2') from the back of the future trail.
22. Owner/Developer shall install a bus shelter at or close to the existing bus pad on Northlake Parkway. Said shelter shall comply with MARTA specifications and may be located within the landscape strip required in condition #20 above. Regardless of the location of the bus shelter, any required setbacks will be measured from the dedication required by condition #21 above. Final location of bus shelter shall be subject to the review and approval of MARTA and the Planning and Zoning Director.
23. Internal dead-end streets greater than one hundred-fifty feet (150') must provide a cul de sac or turnaround, subject to the approval of the City Engineer and DeKalb County Fire Department.
24. Owner/Developer shall install a five foot (5') wide sidewalk along one side of all internal streets.
25. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.
26. 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.

27. The \$8,500 that was placed into the tree bank prior to making application shall be remitted back to the applicant to use for new tree plantings on the subject site.

28. Architectural detailing on townhouses shall include:

- a. The front and rear elevations shall vary from unit to unit to avoid a monotone style and/or color palette.
- b. Rear and side windows shall be trimmed similar to the front windows.
- c. If units contain cantilevered balconies on the rear, they shall be painted or stained in a color that is complimentary to the individual unit colors and shall not be left as unfinished wood nor stained to appear as natural wood.
- d. The units shall have an 8" or greater frieze board (top of wall, abutting the soffit) to accentuate the trim details.
- e. Windows shall be a color to match the color palette of the surrounding townhome veneer (for example: not white windows in a brown colored unit).
- f. Architectural detailing shall occur consistently on all facades.
- g. The rear elevation of each set of townhome units shall have at least two distinguishing features which shall include, but are not limited to, enclosed sunrooms, enclosed porches, rear entry door overhangs with decorative brackets, metal decorative railings, and brick privacy walls.

29. Owner/Developer shall install a 6-foot-high fence along the north property line that complies with the standards of Section 46-1340.

30. *An on-site leasing office with property maintenance staff shall be provided for both the townhome and multifamily units to serve as a contact point for residents and local authorities.*

31. *All indoor and outdoor amenity spaces shall serve both the townhome and multifamily units.*