



# City of Tucker

**Land Use Petitions:** SLUP-16-003, VS-16-003-01, VS-16-003-02  
**Date of Staff Recommendation Preparation:** November 18, 2016  
**Community Council:** October 12, 2016  
**Planning Commission:** November 28, 2016, *January 12, 2017*  
**Mayor and City Council, 1<sup>st</sup> Read:** December 12, 2016, *January 23, 2017*  
**Mayor and City Council, 2<sup>nd</sup> Read:** *February 13, 2017*

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<b>PROJECT LOCATION:</b>	1983 Brockett Road
<b>DISTRICT//LANDLOT(S):</b>	18 <sup>th</sup> District, Land Lot 186
<b>ACREAGE:</b>	14.37 acres
<b>EXISTING ZONING</b>	R-85 (Residential Medium Lot-85)
<b>PROPOSED ZONING:</b>	R-85 (Residential Medium Lot-85)
<b>FUTURE LAND USE MAP DESIGNATION:</b>	SUB (Suburban)
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	Mt. Moriah Missionary Baptist Church of Tucker c/o Battle Law
<b>OWNER:</b>	Mt. Moriah Missionary Baptist Church
<b>PROPOSED DEVELOPMENT:</b>	Existing church and proposed <del>42,000</del> 14,500 square-foot family life center; concurrent variance to allow an accessory structure within the front yard; concurrent variance to exceed the permitted height of an accessory structure
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL of SLUP-16-003</b> <b>APPROVAL of VS-16-003-01</b> <b>APPROVAL of VS-16-003-02</b>

**PROJECT UPDATE**

*The applicant has amended their applicant to increase the size of the proposed family life center from 12,000-square feet to 14,500-square feet. The Zoning Ordinance classifies this as a major change, and therefore, the application must go back through the land use petition process. While the size has increased by 2,500-square feet, Staff has not changed their recommendation as it does not appear that the additional square footage impacts the analysis of either the special land use permit or the two concurrent variances. The general footprint of the proposed family life center has remained the same, with a small amount of additional space added to the north side of the structure. While this technically places the building closer to the properties along Brownlee Road, the impact is minimal as the structure is still approximately 300-feet from the residential property line (of the Brownlee Road properties). Additional, the placement of the proposed family life center has not been relocated so that it is closer to the Brockett Road.*

*Staff believes that the proposal still meets all five criteria listed for the concurrent variances and that the special land use permit request is still consistent with the recommendations of the Comprehensive Plan, is compatible in use with the established residential and institutional uses that surround the area, and would not create any adverse impacts.*

*New information can be found in italics.*

**PROJECT DATA**

The applicant requests a Special Land Use Permit (SLUP) for an existing church and a proposed ~~12,000~~ 14,500-square foot family life center at 1983 Brockett Road. The existing 14.37-acre site currently contains a 12,400-square foot sanctuary, and 5,600-square foot chapel, a 4,500-square foot administration building, and a one-story frame house with basement. The church has operated at this location since 1996, but no prior special land use permits could be located. The proposed expansion triggers the need for the entire property to obtain a Special Land Use Permit. Additional, the placement and height of the proposed building requires that concurrent variances be requested. The church intends to use the proposed family life center for office space, classrooms, and a new multi-purpose room that will primarily be used as a basketball court.

The proposed family life center is ~~one-story~~ two-stories tall, measuring at a height of 35-feet, and has a ~~12,000-14,500-~~ square foot footprint. While the proposed building has a setback of approximately 160-feet, it is located in front of the primary building on the site and therefore requires a concurrent variance for its placement as the zoning ordinance requires that accessory buildings be located in the rear of the lot. Additional, a second concurrent variance is needed as the zoning ordinance requires that accessory buildings “be limited to the lesser of twenty-four (24) feet or the height of the principal structure.” The proposed building is the same height as the principal structure (35-feet).

The site is located on the east side of Brockett Road, between Lawrenceville Highway and Highway 78. The front of the site has been cleared, with only a few trees along the street. There is an existing retention pond located at the southern portion of the front property line, which is overgrown and needs to be cleared of debris and sediment. The grade of the site drops as you approach the rear of the lot, which is heavily wooded with large growth trees and contains a stream that flows throughout the northeast corner of the property. Two large parking lots flank the site, with parking counts totaling 309 spaces.

The site plan complies with the City of Tucker Zoning Ordinance with the exception of the two concurrent variance requests which are outlined further in the report.

**COMMUNITY COUNCIL REVIEW**

The Community Council reviewed the proposed application on October 12, 2016. Community Council members discussed the height of the new building and other buildings on the property, signage, the master plan for the property, and time of construction. Comments from the public concerned the detention pond. The Community Council voted to recommend approval of the proposed project, 7-0.

**NEARBY/SURROUNDING LAND ANALYSIS**

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>
Adjacent: North	R-75 (Residential Medium Lot - 75)	Single-Family Residential
Adjacent: East	R-75 (Residential Medium Lot - 75)	Single-Family Residential (Smith Estates #2)
Adjacent: South	R-75 (Residential Medium Lot - 75)	Single-Family Residential (Castle Coves)
Adjacent: South	R-85 (Residential Medium Lot - 85)	Church of Jesus Christ of Latter Day Saints
Adjacent: West	R-85 (Residential Medium Lot - 85)	Single-Family Residential (Brockett Meadows)
Adjacent: West	R-75 (Residential Medium Lot - 75)	Single-Family Residential (Allenwood)

\*Density is not available as the City of Tucker does not have access to entitlement files.

**SPECIAL LAND USE PERMIT (SLUP-16-003)**

The applicant has requested a Special Land Use Permit for an existing church and a proposed ~~12,000~~ 14,500-square foot family life center. Criteria (standards and factors) for special land use decisions are provided in Section 7.4.6 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.

**CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT**

- 1. Adequacy of the size of the site for the use contemplated and whether or not adequate land areas is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

At 14.37 acres, the size of the site is adequate for the existing church and the proposed ~~12,000~~ 14,500- square foot family life center. The site plan complies with setbacks, open space, maximum lot coverage, parking requirements, and other dimensional standards listed in the zoning ordinance.

**2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The property is in a residential area with other nearby churches. The proposal for an existing church and a proposed expansion for a ~~12,000~~ 14,500-square foot family life center is compatible with adjacent properties and land uses as it supports the surrounding residential neighborhoods as a gathering place for the community.

**3. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

The DeKalb County Department of Watershed Management is currently reviewing the proposal. Approval of the SLUP should be contingent on approval for additional sewer capacity.

**4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

There is sufficient traffic-carrying capacity for the proposed project. Additionally, the peak hour traffic generation of a church does not coincide with the peak hour traffic generation of traffic so the proposal should not unduly increase traffic and create congestion.

**5. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.**

The existing residential land uses along Brockett Road will not be adversely affected by the traffic generated by the existing church or the proposed family life center.

**6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.**

The subject property currently contains two full-access points along Brockett Road which provide adequate ingress and egress. While the site currently features sidewalks along Brockett and around the existing church buildings, additional sidewalks and crosswalks will need to be added to provide safe access to and around the proposed family life center building. Staff will note that the proposed project will trigger the applicant to increase the streetscape zone (sidewalk and landscape strip) along Brockett. There is adequate fire access, as determined during a review by the DeKalb Fire Department.

**7. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

The proposed use would not create noise, smoke, odor, dust, or vibration that would create adverse impacts upon any adjoining land use.

**8. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

The proposed use should not create adverse impacts upon adjoining land uses by reason of the hours of operation.

**9. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The proposed use should not create adverse impacts upon adjoining land uses by reason of the manner of operation.

**10. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The proposed use is consistent with the requirements of the zoning district classification as places of worship are permitted in R-85 with a Special Land Use Permit so long as supplemental use regulations are met. After reviewing the proposal with these additional regulations, the project appears to be in compliance.

**11. Whether or not the proposed use is consistent with the policies of the comprehensive plan.**

The Suburban character area promotes institutional uses, such as churches, as primary land uses.

**12. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

As the lot is zoned R-85, no buffer zones are required. The parking areas are screened with either a six-foot high fence or a sufficient vegetation.

**13. Whether or not there is adequate provision of refuse and service areas.**

There is an existing dumpster pad to the north of the existing sanctuary. Should an additional dumpster be warranted for the proposed family life center, it shall be located so that it is not visible from Brockett Road.

**14. Whether the length of time for which the special land use permit is granted should be limited in duration.**

If granted, there should be no restrictions on length of time for the requested special land use permit.

**15. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.**

The applicant has proposed a 35-foot high family life center to be setback from the road by approximately 160-feet. The building has been sited so that the narrowest portion of the building is the closest to the street. The siting, size, scale, and mass is therefore appropriate in relation to the size of the subject property and nearby lots and buildings, which include one-story ranch homes and another moderately sized church.

**16. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

There are no known historic buildings, sites, districts or archaeological resources on the subject properties. There is a stream on the property, however, the proposed construction of the family life center is well outside of the stream channel and required buffers.

**17. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.**

The existing church and the proposed family life center comply with the supplemental regulations for a place of worship (Section 4.2.42) as the buildings and structures are located at least 50-feet from any residentially zoned properties; the front-yard setback complies with that of the applicable residential district; the parking areas are at least 20-feet from any property line and are have a visual screen of either a 6-foot tall fence or vegetation; and the church is located on more than 3-acres and has over 100-feet of frontage along a public street.

**18. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

The proposed building is in compliance with the maximum building height for the R-85 zoning district and is located far enough away from adjoining lots/buildings that it will not create a negative shadow impact.

**19. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

The approval of the existing church and the proposed family life center will not create a disproportionate proliferation of churches in the subject character area.

**20. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.**

Places of worship serve the communities that are located in by a variety of ways, and therefore, the proposal is consistent with the needs of the neighborhood and the community as a whole, compatible with the neighborhood, and is not in conflict with the overall objective of the comprehensive plan.

**CONCURRENT VARIANCE (VS-16-003-01 and VS-16-003-02)**

Two concurrent variances have been requested in regards to the development of the proposed family life center. The first variance, V-16-003-01, is to Section 4.2.2.C.1 of the City of Tucker Zoning Ordinance that states “all accessory buildings or structures shall be located in the rear yard of the lot.” As the building is considered an accessory structure, it is required to be built in the rear. The second variance, VS-16-003-02, is to Section 4.2.2.I which states that “an accessory structure shall be limited to the lesser of twenty-four (24) feet in height or that height of the principal structure, whichever is less.” The proposed building is 35-feet tall.

Staff will note that the proposed family life center complies with the primary building setbacks and permitted height of the zoning district.

Criteria for variance approval are provided in Section 7.5.3 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. The zoning ordinance states that all five criteria must be met in order to approve the variance request.

**CRITERIA TO BE APPLIED – CONCURRENT VARIANCES**

- 1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other side conditions (such as, but not limited to, floodplain, major stand of trees, steep slopes), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The south fork of Peachtree Creek, as well as another unnamed stream, exists at the rear of the property preventing development in this area. Additional, development at the rear of the property would require the loss of a significant growth of trees, removing the natural buffer that separates the church from the residential area to the east.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

The proposed family life center, while considered an accessory structure, is almost as large (within 400-square feet) of the primary building on the site and will be used more like a primary building than an accessory structure. Since the proposed building complies with the building setbacks and maximum height within the zoning district, granting the concurrent variances will not constitute a grant of special privilege. *The proposed family life center will be the largest building on the site.*

- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

The granting of the variances will not be materially detrimental as the proposed building is setback approximately 160-feet from the street and even further from the residential properties to the north, east, and south. The proposed height is in line with those permitted in the district, and is therefore, not egregious.

**4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

The literal interpretation and strict application of the applicable provisions for accessory structures would cause undue and unnecessary hardship as the proposed ~~12,000~~ 14,500-square foot family life center, while accessory to the sanctuary, is not a typically accessory structure such as a shed or detached garage and therefore, should not be held as tightly to the accessory structure standards.

**5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**

The spirit and purpose of the accessory structure regulations to provide a less prominent location for secondary buildings and to regulate their size so that their use does not overwhelm the primary use of the site. While the proposed family life center is almost the same size as the sanctuary, the uses are more integrated than the code allows as the family life center supplements the sanctuary and allows for the church to have more programming throughout the week. Additionally, the design of the building is not that of a typical accessory building and therefore does not need to be relegated to the rear of the site.



**STAFF ANALYSIS**

In conclusion, the requested SLUP for the existing church and the proposed ~~42,000~~ 14,500-square feet family life center, is consistent with the recommendations of the Comprehensive Plan, is compatible in use with the established residential and institutional uses that surround the area, and would not create any adverse impacts. Therefore, Staff recommends approval with conditions of the requested Special Land Use Permit. Additionally, Staff recommends approval of the two concurrent variances for the placement and height of the proposed family life center as the application meets all five criteria listed.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **SLUP-16-003, VS-16-003-01 and VS-16-003-02**. (additions = **bold**; deletions = ~~strikethrough~~).

1. The property should be developed in general conformance with the site plan submitted on ~~October 5, 2016~~ **December 19, 2016** to the Community Development Department, with revisions to meet these conditions.
2. **The size of the family life center is limited to 14,500-square feet.**
3. The family life center may be located in front of the primary building on the site (VS-16-003-01).
4. The family life center may be up to 35-feet in height (VS-16-003-02).
5. Interior sidewalks and crosswalks shall be added throughout the site to allow safe access to the family life center.
6. A 16-foot streetscape zone, per Section 5.4.3 of the Zoning Ordinance, shall be added along the entire property frontage along Brockett Road.
7. Should an additional dumpster be warranted for the proposed family life center, it shall be located so that it is not visible from Brockett Road.
8. 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.
9. The existing detention pond and outlet structure shall be cleaned and cleared of any debris prior to the issuance of a Certificate of Occupancy.
10. The development of the family life center is contingent on approval from DeKalb County Watershed Management.
11. **The building materials for the family life center shall be similar to those of the other buildings on site (brick).**

**DEPARTMENT COMMENTS**

**ARBORITST**

1. Site must meet approval of the City of Tucker tree ordinance.
2. All existing stormwater facilities on site must be cleaned of all debris and sediment accumulated.

**DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT**

1. Developer must complete the Sewer Capacity Evaluation Request Form.

**DEKALB COUNTY FIRE MARSHAL OFFICE**

Initial review of this project does not appear to pose any issues that would prevent the project from moving forward from a fire and life safety standpoint.

**DEKALB COUNTY SCHOOL SYSTEM**

Not applicable.

**LAND DEVELOPMENT**

**Zoning Comments**

1. Relocate the existing 18" CMP; provide pipe profile.
2. Provide previously approved hydrology study.
3. Provide engineering calculations; How much impervious area will be added? Was the existing detention pond designed to accommodate this increased flow?
4. Provide note: Existing detention pond and outlet structure will be cleaned and cleared of any debris prior to the issuance of a Certificate of Occupancy.
5. Provide calculations for parking requirements.
6. Note: Retaining walls require separate permits. 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.

**Recommended Zoning Conditions for Requested SLUP:**

1. 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.
2. The existing detention pond and outlet structure shall be cleaned and cleared of any debris prior to the issuance of a Certificate of Occupancy.