



**Land Use Petitions:** SLUP-19-0008 & SLUP-19-0009

**Date of Staff Recommendation Preparation:** September 18, 2019

**Community Council:** August 14, 2019

**Planning Commission:** September 26, 2019

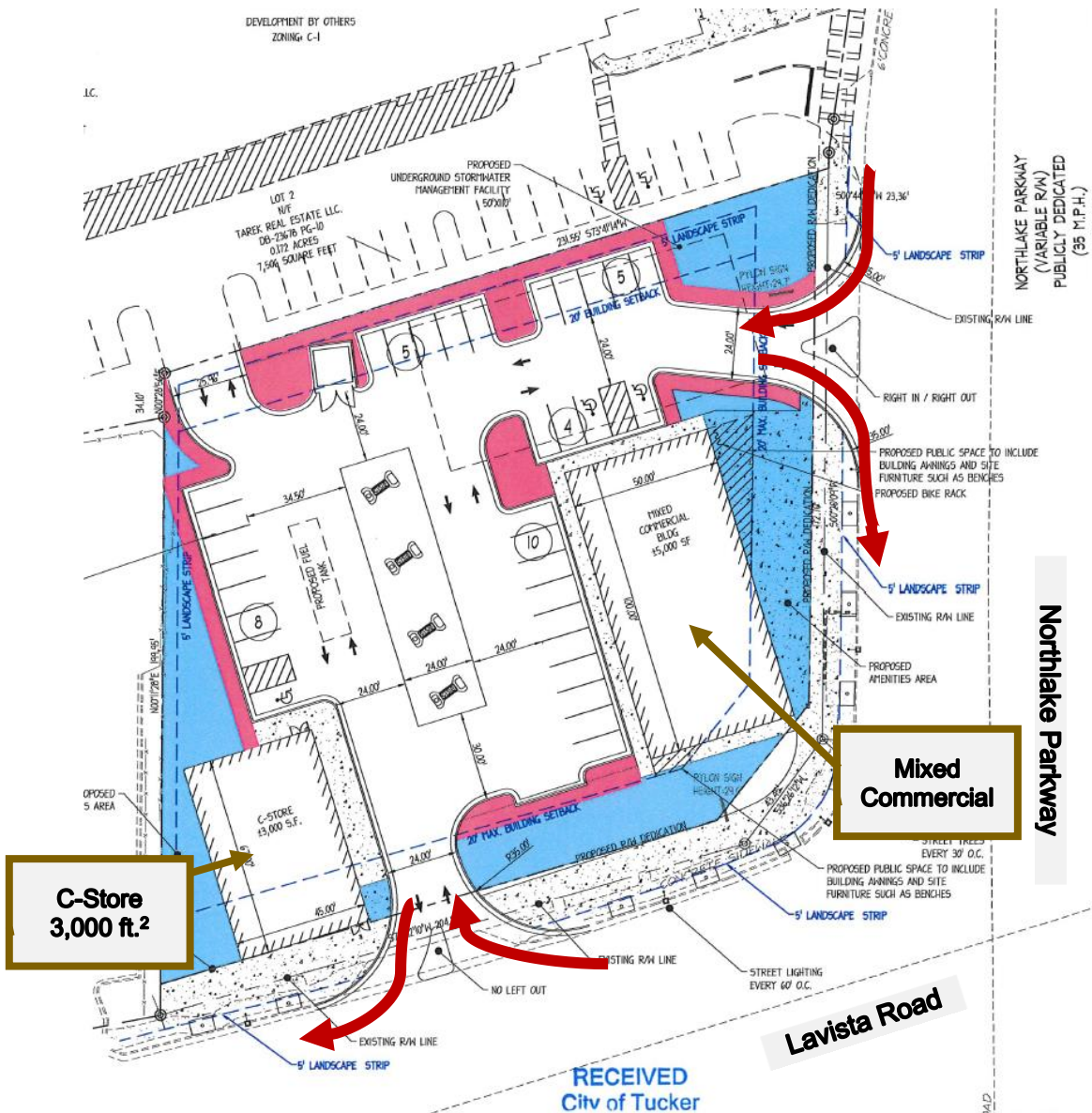
**Mayor and City Council, 1<sup>st</sup> Read:** October 28, 2019

**Mayor and City Council, 2<sup>nd</sup> Read:** November 25, 2019

<b>PROJECT LOCATION:</b>	4246 Lavista Road, Tucker, GA
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 210
<b>ACREAGE:</b>	1.02 acres
<b>EXISTING ZONING</b>	NL-1 (Northlake High Intensity Commercial)
<b>EXISTING LAND USE</b>	Convenience store with fuel pumps
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Regional Activity Center (RAC)
<b>OVERLAY DISTRICT:</b>	NA
<b>APPLICANT:</b>	Tarek Real Estate, LLC c/o Lisa S. Morchower (Berman, Fink, Van Horn, P.C.)
<b>OWNER:</b>	Tarek Real Estate, LLC
<b>PROPOSED DEVELOPMENT:</b>	Applicant intends to redevelop the site with a 3,000 sq. ft. convenience store and 5,000 sq. ft. mixed-commercial building.  A SLUP is required for both the proposed fuel pumps (SLUP-19-0008) and alcohol sales (SLUP-19-0009) due to the expectation that redevelopment will exceed 6 months for non-conforming uses.
<b>STAFF RECOMMENDATION:</b>	<b>Approval of SLUP-19-0008 (Fuel Pumps)</b> <b>Approval of SLUP-19-0009 (Alcohol Sales)</b>

**PROJECT DATA**

The applicant has submitted two applications for Special Land Use Permits (SLUP) for the 1.02+/- acre subject property located at 4246 Lavista Road (located at the intersection of Lavista Road and Northlake Parkway). The subject site is approximately 350 feet from an interchange to Interstate 285. The first application, SLUP-19-0008, is for allow for fuel pumps. The second application, SLUP-19-0009, is to allow alcohol sales. Both of these requests are required as more than 6 months will lapse during the redevelopment of the subject site, closing of the fuel tanks, demolishing the existing convenience store and emission testing facility.



The convenience store is proposed to be a ±3,000 square feet air-conditioned space. The applicant requests a 24-hour operation of the convenience store and fuel pumps with alcohol sale hours restricted to the hours imposed by the City of Tucker Alcohol Ordinance. The project proposes 4 dispenser aisles (8 fuel pumps) for cars located towards the center portion of the parcel. Cars will primarily enter via

right-in / right-out driveway vehicular from Lavista Road. Secondary vehicular access for cars via right-in/right-out onto Northlake Parkway for the mixed commercial building and convenience store.

SLUP-17-001, approved on May 22, 2017, to allow for a multi-family development over 24-units per acre (90 units @ 60 units per acre) (45 one-bedroom and 45 two-bedroom) in one building consisting of four stories with parking underneath at ground level) is located to the immediate north of the subject site. Condition No. 7 of Ordinance 2017-05-65 required, *“Interparcel connectivity to the south shall be required due to fire access. Owner/Developer shall record and install the interparcel access easement and connection during the LDP process. No building permit shall be obtained until the interparcel connection is installed and inspected by the DeKalb County Fire Department.”* The site plan for the proposed development shows this third access point providing inter-parcel access allowing for greater mobility for fire safety and auto access from the 90-unit multi-family complex immediately to the north of the subject site.

The parcel is mitered at the southeastern corner (Lavista Road and Northlake Parkway) making the proposed development slightly non-compliant with the maximum setback requirements (Table 3.10 Northlake District Dimensional Requirements) at the southeastern corner of the proposed ±5,000 square-foot mixed commercial building. Particularly, the NL-1 zoning district requires front building setback to be between a minimum of zero (0) feet to a maximum of twenty (20) feet. However, Sec. 3.3.6.C Dimensional Standards, Additional Setback Requirements allows buildings to exceed the maximum 20-foot setback to allow for stoops, front porches, balconies, canopies, or steps, a public space or park, and or outdoor dining. The applicant submitted a revised site plan, on August 5, 2019 labeling this area as a proposed public space to include building awnings and site furniture. The applicant is not currently proposing outdoor dining, but if they do in the future, Sec. 3.2.18 Outdoor dining has the following requirements which applies to all outdoor dining: all tables and chairs must be metal; each umbrella canopy must be a single solid color; different umbrellas may have different colored canopies; and no signage may be placed on tables, chairs, or umbrellas.

### **USE ANALYSIS AND DEVELOPMENT PERMISSIONS**

The subject property is located within NL-1 (Northlake High Intensity Commercial) zoning district. The intent of the Northlake Zoning Districts is to encourage development and redevelopment of properties in order to achieve a mixed-use community; the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobile travel; to encourage mixed-use developments containing commercial and residential uses in order to create a pedestrian-oriented community where people can live, work, and play; To improve the visual appearance and increase property values; promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Northlake area; to ensure a stable and healthy tax base. Taken together these items serve to unify the distinctive visual quality of the Northlake area.

The purpose and intent section of the NL-1 (Northlake High-Intensity Commercial) is to allow for the most intense mixed-use development in Tucker. It encourages the redevelopment of parking lots into a mix of retail, office, and residential uses in the same development. Convenience stores are allowed “by-right”. However, fuel pumps (accessory to convenience store) and alcohol sales are only allowed by approval of a Special Land Use Permit in the NL-1 (Northlake High Intensity Commercial) zoning district. The intent of the City of Tucker Zoning Ordinance is that the proposed uses be determined on a case-by-

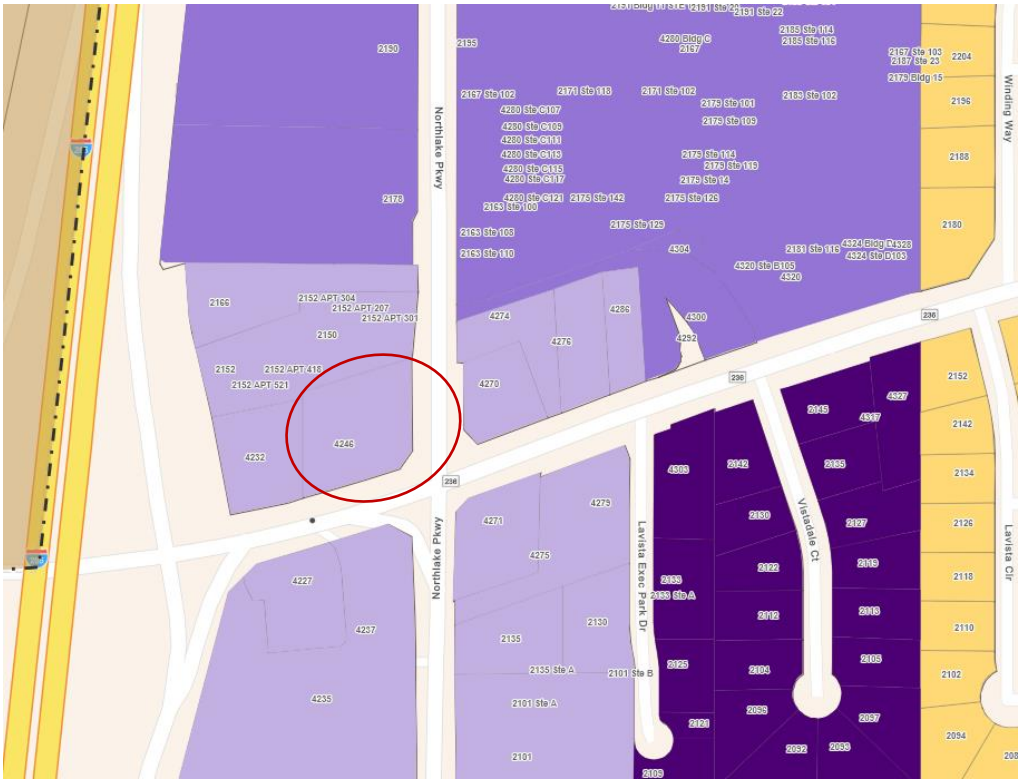
case specific basis ensure compatibility with the surrounding area including environmental impacts, visual and infrastructure impacts.

### **COMMUNITY COUNCIL REVIEW**

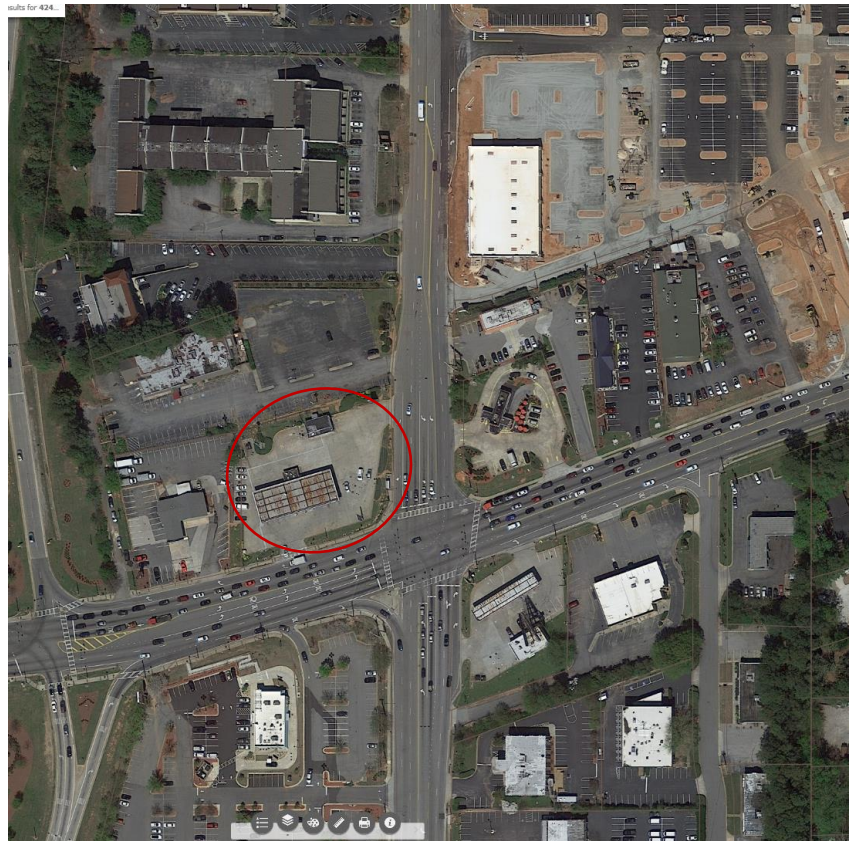
The Community Council reviewed the proposed application on August 14, 2019. Community Council discussion included pedestrian safety and limited walkability between the convenience store/gas station/retail. The community council suggested a sidewalk from the proposed development to the Northlake Residential apartments to the immediate north. Additional comments from the Community Council included questions to the applicant regarding why there were two buildings being planned on that site. Chairman Burrow inquired as to why the gas pumps were not equally spaced. The applicant explained it was just an AutoCAD (technical) issue and that the spacing of the pumps are evenly spaced. Other questions and concerns included how the gas station logo would look, how to make this aesthetically pleasing (the visibility from the street). Additional discussion included sidewalks and connectivity, especially for "seniors" at the Northlake Apartments to the immediate north of the subject property. There were comments made that this would improve the appearance of the corner, followed by continued concerns regarding safety, connectivity and walk-ability expressed by the Community Council. As is standard, the Community Council did not make a recommendation of approval or denial.

### **NEARBY/SURROUNDING LAND ANALYSIS**

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Overlay District</b>	<b>Existing Land Use</b>
Adjacent: North	NL-1 (Northlake High Intensity Commercial)	NA	90 units @ 60 units per acre (Northlake Sr. Center)
Adjacent: East (across Northlake Parkway)	NL-1 (Northlake High Intensity Commercial)	NA	Waffle house and fast food chain
Adjacent: Northeast (across Northlake Parkway)	NL-1 (Northlake High Intensity Commercial)	NA	Multi-tenant shopping center (Sprouts, Dicks Sporting Goods, Jimmy Johns, etc.)
Adjacent: South (South across Lavista Road)	NL-1 (Northlake High Intensity Commercial)	NA	Del Taco Restaurant and Target shopping center further south.
Adjacent: Catercorner— (Southeast across Lavista Road)	NL-1 (Northlake High Intensity Commercial)	NA	Gas Station



Zoning Exhibit. Subject parcel circled.



Aerial Exhibit. Subject parcel circled.

## SLUP-19-0008 FUEL PUMPS

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

Criteria (standards and factors) for special land use decisions are provided in Section 46-1594 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. Adequacy of the size of the site for the use contemplated and whether or not adequate land area 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.**

The site size is approximately 1.02 acres. According to the DeKalb County Property Assessor’s office the square footage of structures on the site is 1,664 square feet, built in 1987. The site is relatively small for the scope of the proposed 3,000 square-foot gas station and proposed 5,000 square-foot commercial building; however, it meets the development standards for the zoning district.

Development Standard	Specific Requirement	Compliance Demonstrated by Site Plan Submitted?
Front building setback	Minimum 0; Maximum 20 ft.	Yes – complies per Sec. 3.3.6.C Dimensional Standards. Applicant is proposing to include public space with awning, site furniture, such as benches, etc.
Side setbacks	No minimum	Yes – complies
Rear setbacks	20 ft. minimum	Yes – complies
Maximum building height	Canopy height may not exceed 20 feet. Max. bldg. ht. is 180 ft. or 180 stories, whichever is less.	Yes – complies per criteria narrative of application, Item 17, supplemental Item 3.
Landscape strip (Sec. 3.3.14, Table 3.14 Streetscape Dimensions)	Minimum Total Width (Landscape/Sidewalk): Lavista Road = 20 feet— including 5 ft. landscape strip / 15 ft. sidewalk Other NL-1 streets = 15 feet— including 5 ft. landscape strip / 10 ft. sidewalk	Yes – complies, per site plan sheet 1 – 6 entitled “City of Tucker Code Requirements”
Minimum off-street parking (Table 6.2)	Min.: One (1) space per five hundred (500) square feet of floor area—16 spaces. Max.: One (1) space per one hundred fifty (150) square feet of floor area—45 spaces.	Yes – complies with Table 6.2. 32 spaces provided.
Architectural requirements (visible building facades) (Sec. Section 3.3.10)	Brick, stone, or cement stucco or other equivalents	<a href="#">Need material specifications to determine compliance at the time of Site &amp; Land Development Review.</a>
Maximum Lot Coverage	80%	Yes – complies

Additional items, including exterior building materials will be determined at the time of Site & Land Development Review after the submittal for the building permit. The site data information only shows parking information for commercial uses. If the 5,000 square-foot “mixed” commercial building has a restaurant (with no drive-through) the minimum parking shall be one (1) space per 150 ft. of floor area and a maximum parking of one (1) space for each 75 sq. ft. of floor area but not less than 10 spaces. If the use included a 5,000 ft. restaurant, the minimum parking for the development would meet the minimum 31 parking spaces, as the site plan depicts 32 parking spaces.

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

From a land use standpoint, the proposed gas station is compatible with the land uses and development of adjacent properties as it is located on a minor arterial road across from restaurants and another gas station cater-corner to the proposed redevelopment. Interstate 285 is located less than 500 feet to the west of the subject property.

There is residential immediately north of the subject site and inter-parcel access that was established with the Special Land Use Permit approval for the multi-family development due north. The sidewalks surrounding the properties may provide access to the 90-unit development immediately north. A few hundred feet north is the site of a recently approved mixed-use, multifamily development (SLUP-18-002) consisting of three, four/five story split apartment buildings with a total of 245-units on ±8.65 acres (28.32 dwellings per acre) which are within walking distance along Northlake Parkway to the proposed development in compliance with the NL-1 intent to create more walkable communities in the area.

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

**Schools.** There will be no impact on public school facilities.

**Stormwater management.** The applicant is required to show stormwater management, if the development is approved, on their LDP plans to determine if their disturbance will require detention.

**Water and sewer.** Water and sewer approval is required by the DeKalb County Department of Watershed Management. Approval of the SLUP shall be conditional to Watershed approval.

**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.**

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. If approved, the City Engineer has recommended several conditions of approval pertaining to public street access which are included in this report including right in / right out ingress and egress to the development.

- 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.**

Existing commercial type land uses would not be adversely affected by the proposed fuel pumps because fuel pumps currently exist on the site. The proposed fuel pumps will not affect the character of vehicles or the volume of traffic generated by the proposed development.

- 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.**

If developed in accordance with GDOT standards (Lavista Road) and in accordance with recommended conditions from the City Engineer, the proposed development can meet this standard. Ultimately, a GDOT encroachment permit will be required.

- 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 development will not generate more excessive noise, nor will it emit smoke, odor, dust or vibration greater than that which currently exists. During redevelopment the applicant will be required to meet State of Georgia and federal requirements pertaining to removal of the existing tanks, installation of replacement tanks, and all applicable standards for fuel pumps adjacent to a residential development. Therefore, no adverse impacts on adjoining land uses are anticipated due to the environmental standards which the applicant must comply.

- 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 gas station and convenience store proposes to be operational 24 hours a day. Nearby is a multifamily residential use, which the applicant should take care to mitigate any impacts, including recommended conditions for lighting, marked crosswalks, landscaping and screening of the parking lots to prevent glare into the residences. Staff notes the property is located less than 500 feet of the Interstate 285 interchange.

Although, there is not a proliferation of this use at this location. Rather, the gas stations are both right in/right out and may cater to travelers going in opposite directions along Lavista Road and Northlake Parkway allowing drivers to be safer.

- 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.**

If developed in accordance with recommended conditions, land uses along Northlake Parkway and Lavista Road will not be adversely affected by the manner or operation of the development.



**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 underlying zoning district requirements, but the development will require further review regarding landscaping, exterior building materials, crosswalks and the like at the time of Site & Land Development Review. During Site and Development the applicant will need to provide material specifications to determine compliance. The site plan also shows trash dumpsters screened so that such outdoor area cannot be seen from any public right-of-way. Staff recommends screening from the adjacent residential development.

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

The subject property and the surrounding immediate area are Regional Activity Center on the Future Land Use. Uses typically include a higher-density mix of retail, office, housing, and services, and employment to serve a regional market area. Because the location is readily accessible from the highway, future development in the Northlake area is considered both desirable and appropriate. Primary land uses include townhomes, higher density multi-family including apartments and condominiums, retail and service commercial, office, entertainment and cultural facilities, and public and private recreational 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.**

Not applicable. No transitional buffer zones are required due to the current zoning of surrounding properties.

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

The site plan shows space for a trash receptacle towards the northwest portion of the subject site to serve the facility.

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

No limits on the length of time on the special land use permit are recommended, if granted.

**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 proposed development would result in a building set close to the road activating a more pedestrian oriented streetscape. Parking and gas pumps somewhat hidden from view behind

the proposed buildings. The applicant submitted elevations; however, the elevations do not specify the building height or exterior materials.

The application states the maximum building's height to be 22 feet. It is staff's opinion that the building size, mass, and scale will be appropriate in relation to surrounding land uses.

**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. Therefore, no adverse effects are anticipated (meets standard).

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

The following supplemental use regulations are applicable: Sec. 46-1171 (Fuel Pumps, accessory). The applicant's letter of intent provides a detailed analysis of conformance to the fuel pumps regulations in the Tucker zoning ordinance. There are additional criteria that must be considered when fuel pumps are proposed, as enumerated below:

1. **The primary building (i.e., convenience store or automobile service station) shall conform to all primary building setbacks.** The proposed development meets the development standards for the zoning district pertaining to setback requirements. Proposed development meets the criteria.
2. **Canopies covering gasoline dispensers shall be set back not less than fifteen (15) feet from all street rights-of-way.** The proposed development shows the canopies setback over 15 feet from the street right-of-way. Proposed development meets the criteria.
3. **The canopy shall not exceed the height of the principal building, but in no case shall exceed twenty (20) feet in height.** The proposed canopy is 20 feet. Proposed development meets the criteria.
4. **The canopy and its columns shall be complementary to the overall color scheme and building materials scheme of the building façade to which the canopy is accessory.** The overall color scheme and building materials will be required to be compliant with the zoning ordinance at the time of Site & Development, before issuance of a building permit.
5. **Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than thirty (30) minutes after closure of the facility.** The proposed development does not show the lighting scheme; however, this will be

a condition of approval. However, in the Statement of Intent the applicant proposes to utilize energy efficient LED lights and to have cut-off light fixtures to reduce glare (while providing safe lighting conditions). Proposed development meets the criteria, with conditions.

6. **Automobile service stations with gas sales shall have a capacity to store one (1) car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.** The proposed development has the capacity to store one (1) car per bay in front of the pump. Proposed development meets the criteria.
7. **A minimum of thirty (30) feet is required between a property line and the nearest gasoline pump.** The proposed development shows the gas pumps setback over 30 feet from the street right-of-way. Proposed development meets the criteria.

**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 height of the convenience store and proposed commercial building is one story, reaching 22 feet at the top of the pitched roof. The proposed canopy over the fuel pumps is 20 feet, which will not create a shadow impact on any adjoining lot or building (meets standard).

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

There is a gas station cater corner to the proposed gas station. However, both of the gas stations have egress that are right in/right out and may complement travelers going in opposite directions along Lavista Road and Northlake Parkway.

**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.**

**Regional Activity Center Character Area.** Most of the area located within the Northlake area of Tucker is best characterized as a regional activity center. Regional activity centers typically include a higher-density mix of retail, office, housing, and services, and employment to serve a regional market area. Because it is readily accessible from the highway and is already more developed, future development in the Northlake area is considered both desirable and appropriate. Primary land uses include townhomes, higher density multi-family including apartments and condominiums, retail and service commercial, office, entertainment and cultural facilities, and public and private recreational uses.

**CONCLUSION**

The proposed accessory use of fuel pumps may be somewhat complementary to the existing uses along Lavista Road and Northlake Parkway. The location is less than 500 feet from the interchange to Interstate 285. Additionally, a gas station has been on the site for decades and the proposal is essentially extending the legal-nonconformity beyond the 6-month maximum allowable to maintain a non-conforming use to allow a redevelopment of the property that is expected to take more than 6 months to complete.

The proposed Special Land Use Permit application is consistent with the comprehensive plan character area, and the zoning ordinance, as the proposed accessory use is consistent with the purposes and intentions of the Regional Activity Center Character Area and will provide a use for those travelling in a south direction along Northlake Parkway or a westward direction along Lavista Road to fuel their vehicles and patronize a convenience store.

## SLUP-19-0009 ALCOHOL SALES

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

Criteria (standards and factors) for special land use decisions are provided in Section 46-1594 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. Adequacy of the size of the site for the use contemplated and whether or not adequate land area 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.**

The site size is approximately 1.02 acres. According to the DeKalb County Property Assessor’s office the square footage of structures on the site is 1,664 square feet, built in 1987. The site is relatively small for the scope of the proposed 3,000 square-foot gas station and proposed 5,000 square-foot commercial building; however, it meets the development standards for the zoning district.

<b>Development Standard</b>	<b>Specific Requirement</b>	<b>Compliance Demonstrated by Site Plan Submitted?</b>
Front building setback	Minimum 0; Maximum 20 ft.	Yes – complies per Sec. 3.3.6.C Dimensional Standards
Side setbacks	No minimum	Yes – complies
Rear setbacks	20 ft. minimum	Yes – complies
Maximum building height	Canopy height may not exceed 20 feet. Max. bldg. ht. is 180 ft. or 180 stories, whichever is less.	Yes – complies per criteria narrative of application, Item 17, supplemental Item 3.
Landscape strip (Sec. 3.3.14, Table 3.14 Streetscape Dimensions)	Minimum Total Width (Landscape/Sidewalk): Lavista Road = 20 feet— including 5 ft. landscape strip / 15 ft. sidewalk Other NL-1 streets = 15 feet— including 5 ft. landscape strip / 10 ft. sidewalk	Yes – complies, per site plan sheet 1 – 6 entitled “City of Tucker Code Requirements”
Minimum off-street parking (Table 6.2)	Min.: One (1) space per five hundred (500) square feet of floor area—16 spaces. Max.: One (1) space per one hundred fifty (150) square feet of floor area—45 spaces.	Yes – complies with Table 6.2. 32 spaces provided.
Architectural requirements (visible building facades) (Sec. Section 3.3.10)	Brick, stone, or cement stucco or other equivalents	<a href="#">Need material specifications to determine compliance at the time of Site &amp; Land Development Review.</a>
Maximum Lot Coverage	80%	Yes – complies

Additional items, including exterior building materials will be determined at the time of Site & Land Development Review after the submittal for the building permit. The site data information only shows parking information for commercial uses. If the 5,000 square-foot “mixed” commercial building has a restaurant (with no drive-through) the minimum parking shall be one

(1) space per 150 ft. of floor area and a maximum parking of one (1) space for each 75 sq. ft. of floor area but not less than 10 spaces. If the use included a 5,000 ft. restaurant, the minimum parking for the development would meet the minimum 31 parking spaces, as the site plan depicts 32 parking spaces.

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

From a land use standpoint, the proposed alcohol sales is compatible with the land uses and development of adjacent properties as it is located on a minor arterial road near restaurants and multifamily. There is residential immediately north of the subject site and inter-parcel access that was established with the Special Land Use Permit approval for the multi-family development due north. The sidewalks surrounding the properties may provide access to the 90-unit development immediately north. A few hundred feet north is the site of a recently approved mixed-use, multifamily development (SLUP-18-002) consisting of three, four/five story split apartment buildings with a total of 245-units on ±8.65 acres (28.32 dwellings per acre) which are within walking distance along Northlake Parkway to the proposed development in compliance with the NL-1 intent to create more walkable communities in the area.

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

**Schools.** There will be no impact on public school facilities.

**Stormwater management.** The applicant is required to show stormwater management, if the development is approved, on their LDP plans to determine if their disturbance will require detention.

**Water and sewer.** Water and sewer approval is required by the DeKalb County Department of Watershed Management. Approval of the SLUP shall be conditional to Watershed approval.

**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.**

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. If approved, the City Engineer has recommended several conditions of approval pertaining to public street access which are included in this report including right in / right out ingress and egress to the development. It should be noted, the proposed SLUP request for alcohol sales is for a use that currently exists on the subject site.

**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.**

Existing land uses would not be adversely affected by the proposed alcohol sales. Alcohol sales currently exist on the site. The proposed alcohol sales will not affect the character of vehicles or the volume of traffic generated by the proposed development.

**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.**

If developed in accordance with GDOT standards (Lavista Road) and in accordance with recommended conditions from the City Engineer, the proposed development can meet this standard.

**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 development will not generate more excessive noise, nor will it emit smoke, odor, dust or vibration greater than that which currently exists. Alcohol sales currently exist on the site. Staff also recommends a condition limiting the space for alcohol sales (beer and wine only) to 20% or less of the interior floor space of the convenience store.

**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 gas station and convenience store proposes to be operational 24 hours a day. Nearby is a multifamily residential use, which the applicant should take care to mitigate any impacts, including recommended conditions for hours of alcohol sales, lighting, marked crosswalks, landscaping and screening of the parking lots to prevent glare into the residences. Staff notes the property is located less than 500 feet of an Interstate 285 interchange.

To further regulate the hours of alcohol sales, the Finance Director or designee shall ensure that all licenses for on-premises consumption of alcoholic beverages show:

- (1) Any special land use permit conditions imposed by the City Council for the establishment;
- (2) The allowed hours of operation for the location; and
- (3) Written notice to the licensee that the license with the hours of operation must be posted in a public and conspicuous place within the licensee's establishment (supports conditional approval).

**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.**

Nearby land uses along Lavista Road and Northlake Parkway will not be adversely affected by the manner or operation of the development. The property is surrounded by commercial, residential and mixed-use development.

**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 underlying zoning district requirements, but the development will require further review regarding landscaping, exterior building materials, crosswalks and the like at the time of Site & Land Development Review. During Site and Development, the applicant will need to provide material specifications to determine compliance. The site plan also shows trash dumpsters screened so that such outdoor area cannot be seen from any public right-of-way. Staff recommends screening from the adjacent residential development.

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

The subject property and the surrounding immediate area are Regional Activity Center on the Future Land Use. Uses typically include a higher-density mix of retail, office, housing, and services, and employment to serve a regional market area. Because the location is readily accessible from the highway, future development in the Northlake area is considered both desirable and appropriate. Primary land uses include townhomes, higher density multi-family including apartments and condominiums, retail and service commercial, office, entertainment and cultural facilities, and public and private recreational 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.**

Not applicable. No transitional buffer zones are required due to the current zoning of surrounding properties.

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

The site plan shows space for a trash receptacle towards the northwest portion of the subject site to serve the facility.

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

No limits on the length of time on the special land use permit are recommended, if granted.

**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 proposed development would result in a building set close to the road activating a more pedestrian oriented streetscape. Parking and gas pumps somewhat hidden from view behind the proposed buildings. The applicant submitted elevations; however, the elevations do not specify the building height or exterior materials.



The application states the maximum building's height to be 22 feet. It is staff's opinion that the building size, mass, and scale will be appropriate in relation to surrounding land uses.

**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. Therefore, no adverse effects are anticipated (meets standard).

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

The following supplemental use regulations are applicable: Sec. 46-1151 (Alcohol outlets, retail, package liquor store). The applicant's letter of intent provides a detailed analysis of conformance to the alcohol regulations in the Tucker zoning ordinance. There are additional criteria that must be considered when alcohol sales are proposed, as enumerated below:

**A. Package stores and liquor stores, developed as a primary use in a freestanding building, must comply with City of Tucker ordinances pertaining to licensing requirements for a retail package liquor store.**

The proposal is for accessory alcohol sales, and will not be a primary use. However, a condition is proffered regarding restricted hours for alcohol sales.

**B. Alcohol outlets in the NS (Neighborhood Shopping) District may only be permitted as an accessory use with a Special Land Use Permit (SLUP).**

The subject site is zoned NL-1 (Northlake High Intensity Commercial). Regulation does not apply.

**C. Alcohol outlets in the MU (Mixed-Use) districts shall be limited to beer and wine sales with a Special Land Use Permit (SLUP).**

The subject site is zoned NL-1 (Northlake High Intensity Commercial). Regulation does not apply.

**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 height of the convenience store is one story reaching 22 feet at the top of the roof, which will not create a shadow impact on any adjoining lot or building.

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

There do not appear to be a proliferation of alcohol sales outlets in close proximity within the city of Tucker.

**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.**

**Regional Activity Center Character Area.** Most of the area located within the Northlake area of Tucker is best characterized as a regional activity center. Regional activity centers typically include a higher-density mix of retail, office, housing, and services, and employment to serve a regional market area. Because it is readily accessible from the highway and is already more developed, future development in the Northlake area is considered both desirable and appropriate. Primary land uses include townhomes, higher density multi-family including apartments and condominiums, retail and service commercial, office, entertainment and cultural facilities, and public and private recreational uses.

**CONCLUSIONS**

The proposed accessory alcohol retail sales outlet may be complementary to the existing uses along the Lavista Road and Northlake Parkway area of Northlake and would contribute to the desired mix of a healthy and vibrant area.

The proposed Special Land Use Permit application is consistent with the comprehensive plan character area and the zoning ordinance as the proposed accessory use is consistent with the purposes and intentions of the Regional Activity Center Character Area and provide a use that serves the other businesses and continued development of a vibrant area of the city.

## STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **CONDITIONAL APPROVAL** of Land Use Petition **SLUP-19-0008** and **SLUP-19-0009**.

If approved, it should be approved **CONDITIONAL**, subject to the following conditions. Such conditions shall be complied with prior to the issuance of any building permit, unless otherwise specifically noted:

1. The property shall be developed in general conformance with the site plan submitted on August 5, 2019, to the Community Development Department, with revisions to meet these conditions.
2. The use of the property shall be limited to a  $\pm 3,000$  square-foot convenience store with alcohol sales and fuel pumps, and a  $\pm 5,000$  square-foot commercial building.
3. The hours of alcohol sales shall be limited to:
  - Monday through Saturday hours are from 9:00 a.m. until 11:00 p.m.
  - Sunday hours are from 12:30 p.m. until 11:00 p.m.
4. Alcohol shall be limited to beer and wine. Alcohol sale display area shall not exceed twenty percent (20%) of the gross floor area.
5. Lighting shall be energy efficient LED lighting with downward facing cut-off light fixtures to reduce glare.
6. Street furniture shall comply with Sec. 3.2.14 Streets and streetscapes. Street furnishings are required and must be of a type identified in Table 3.6, which includes specific products by specific brands. The use of specific products and brands is not required and similar designs may be used. Street furnishing may only be placed in the landscape strip or between the sidewalk and the building.
7. The exterior building materials shall comply with the NL-1 (Northlake High Intensity Commercial) architectural regulations (Section 3.3.10 Building form and design).
8. There shall be no overnight truck or car parking.
9. There shall be no outdoor display of merchandise.
10. The use of approved brick, concrete, or stone paving materials to identify crosswalk areas is required for all crosswalks.
11. Owner/Developer shall provide crosswalks at all curb cuts. Pavement markings and signage shall be installed to allow for the safe passage of pedestrians and bicyclist subject to the approval of the Director of Community Development.
12. Canopy height over the fuel pump islands may not exceed 20 feet.

13. Building height of the ±3,000-square-foot and the ±5,000- square-foot proposed buildings shall not exceed 22 feet.
14. A sign permit must be submitted to the City of Tucker Community Development Department and must be in compliance with the sign code. All non-conforming signs are required to be removed and come into compliance.
15. Owner/Developer shall construct ADA compliant internal sidewalks that will provide pedestrian connectivity from the front of the building to the existing sidewalk along Lavista Road and Northlake Parkway.
16. The property shall be limited to one right in / right out only driveway on Northlake Parkway and right in / right out on Lavista Road and subject to GDOT approval.
17. Owner/Developer shall maintain an inter-parcel access easement with the adjacent property to the north.
18. The applicant shall submit a landscape plan including screening of the parking spaces and dumpster located on the north side of the property. Additional screening shall also be shown in the landscape strip on the west side of the property.
19. 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 30 units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance. If the required tree density cannot be obtained on site, compensation to the City's tree bank will be considered.
20. The development of this project is contingent upon the approval of the DeKalb County Department of Watershed Management.

**DEPARTMENT COMMENTS**

**ARBORIST**

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

**DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT**

A sewer capacity request is required for the above address. Even though the proposed use for this site is unchanged the sewer capacity request is still required for any approval from Dekalb County Watershed Management.

**DEKALB COUNTY FIRE MARSHAL OFFICE**

Please ensure compliance with State Fire Marshal's underground tank inspections prior to issuing C.O. No further fire department comments.

**DEKALB COUNTY SCHOOL SYSTEM**

Not applicable; no comments.

**LAND DEVELOPMENT**

- The property shall be limited to one right in / right out only driveway on Northlake Parkway and one three-quarter access (prohibiting left turns out) on Lavista Road.
- Owner/Developer shall maintain an interparcel access easement with the adjacent property to the north.