



# City of Tucker

**Land Use Petition:** SLUP-21-0002

**Date of Staff Recommendation Preparation:** June 28, 2021

**Planning Commission:** July 15, 2021

**Mayor and City Council, 1<sup>st</sup> Read:** August 9, 2021

**Mayor and City Council, 2<sup>nd</sup> Read:** September 13, 2021

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<b>PROJECT LOCATION:</b>	2101 Northlake Parkway
<b>APPLICATION NUMBER</b>	SLUP-21-0002
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 210
<b>ACREAGE:</b>	2.76 acres
<b>EXISTING ZONING</b>	NL-1 (High-Intensity Commercial)
<b>EXISTING LAND USE</b>	Commercial
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Regional Activity Center
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	John Barikos
<b>OWNER:</b>	Aziz Haji
<b>PROPOSED DEVELOPMENT:</b>	Special Land Use Permit to allow automobile repair or maintenance, minor.
<b>STAFF RECOMMENDATION:</b>	<b>Denial of SLUP-21-0002 (automobile repair or maintenance, minor)</b>

**BACKGROUND**

The applicant is requesting a Special Land Use Permit (SLUP) for the property located at 2101 Northlake Parkway to allow for automobile repair or maintenance, minor. The subject property is 2.76 acres and is zoned NL-1 (Northlake - High-Intensity Commercial). Pursuant to Section 46-1035, Table 3.9, Northlake District Allowed Uses, *automobile repair or maintenance, minor* is only allowed in the NL-1 zoning district with approval of a Special Land Use Permit.

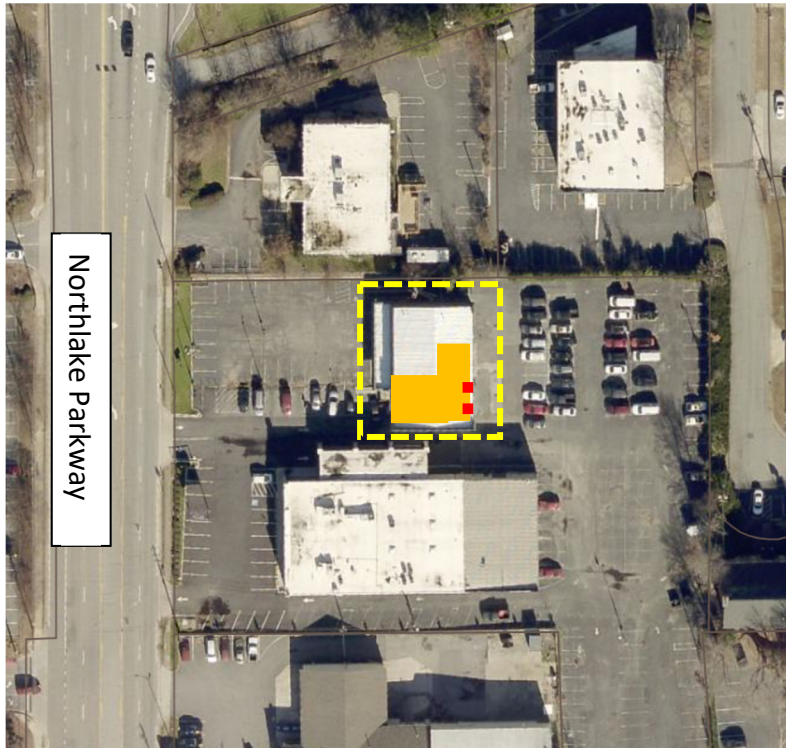


Figure 1: 2101 Northlake Parkway (subject suite shown in orange, 4 proposed bay doors shown in red) where requested Auto Repair business would operate.

**PROJECT DATA**

The subject site is just southeast of the Lavista Road/Northlake Parkway intersection. The request is only for a portion of the northernmost building on the parcel located at 2101 Northlake Parkway, shown in Figure 1.

2101 Northlake Parkway is currently developed with two 2-story buildings that front Northlake Parkway, associated drive aisles, and parking spaces. The smaller, more northern positioned building, closer to the Lavista Road/Northlake Parkway intersection, is where the proposed automobile repair facility would be located. This building was previously leased to Enterprise Rent-A-Car. The proposed automobile repair facility, Auto MD, would share a 5,200-square foot building with Zip Tire, an existing tire retail

space. During the review of SLUP-21-0002 it has come to our attention that Zip Tire has two bays, but on-site tire installation is not permitted per their OTC.



Figure 2: red outline-proposed Auto MD location, orange outline-existing Zip Tire location



Figure 3: Auto MD bays

The applicant does not intend to change the exterior of the building or the interior footprint of their suite. Figure 2 shows the entrance to the 2,100-square foot suite in which Auto MD would occupy. The entire building has 6 roll-up garage doors, 2 of which will be used for the patrons of Auto MD (as shown in Figure 3). Two other bays were previously converted to office space and the remaining two bays are used by Zip Tire. Additionally, there are 8 parking spaces in front of the building and 40 spaces in the

rear of the building that will be

reserved for Auto MD customers. The applicant's letter of intent states Auto MD expects approximately 8-12 vehicles in and out of the site each day.

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

The subject property is located in the NL-1 (Northlake - High-Intensity Commercial) zoning district. In part, the purpose and intent of the NL districts are to enhance long-term economic viability of the area by encouraging new commercial developments that increase the tax base and provide jobs to the citizens of Tucker, and to improve the visual appearance of the area. The intent of the NL-1 zoning district "is to allow the most intense mixed-use development in Tucker," as well as encourage "the redevelopment of parking lots into a mix of retail, office, and residential uses in the same development."

The NL-1 zoning district allows for minor automobile repair and maintenance shops with the approval of a special land use permit. All supplemental regulations for automobile repair shops must also be met (Section 46-1157 (c)). Additional conditions may be placed on the approval of a special land use permit in order to ensure the proposed business will not be a detriment to the character of the area. The intent of the City of Tucker Zoning Ordinance in requiring a SLUP is that the proposed uses be determined on a case-by-case basis to ensure compatibility with the surrounding area including environmental impacts, aesthetic and infrastructure impacts.



**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.

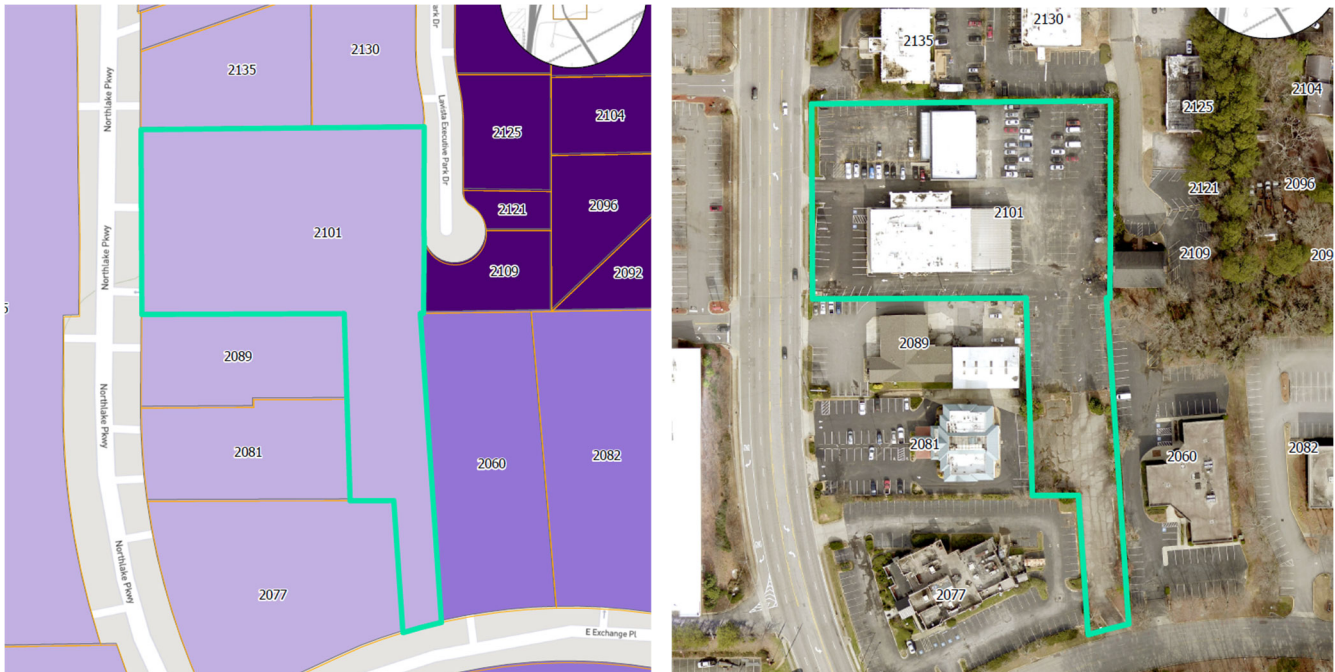


**PUBLIC PARTICIPATION PLAN REPORT**

The applicant hosted a three-and-a-half-hour-long community meeting on June 2, 2021 after mailing a letter and site plan explaining the proposed project to all property owners within 500 feet of the subject parcel. Seven people were in attendance including the applicant and several community members. During the meeting the project and site plan were explained to the audience, then questions were taken. Several questions were asked regarding where vehicles waiting for service would be stored, where vehicles that would remain on the property after the business closes would be stored, the hours of operation, provisions for security and safety, and where vehicles would be serviced. It does not appear that any changes were made to the site plan as a result of the Public Participation Meeting. A comment regarding the caduceus symbol within the Auto MD logo came up and the applicant agreed to alter the logo in order to reduce confusion.

**NEARBY/SURROUNDING LAND ANALYSIS**

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	NL-1 (High-Intensity Commercial)	Religious Facility, Sadh Sangat of Georgia
Adjacent: East	NL-2 (Office Park and NL-4 (Vista Dale Court)	Office buildings along Lavista Executive Park Drive
Adjacent: South	NL-1 (High-Intensity Commercial) and NL-2 (Office Park)	DeKalb Tire; Tucker Exchange office park
Adjacent: West	NL-1 (High-Intensity Commercial)	Target



*Zoning and Aerial Exhibits showing surrounding land uses.*

**SLUP-21-0002: Automobile repair or maintenance, Minor  
 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.

- A. 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 subject site is approximately 2.76 acres. The lot is developed with 2 two-story buildings, both of which front Northlake Parkway. The site appears to be adequate for the proposed development including the existing building, two repair bays, and ample amount of parking in front of and behind the buildings. The applicant’s letter of intent states 8 parking spaces in the front of the building and 40 spaces in the rear of the building will be reserved for Auto MD customers.

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

The proposed use does not comply with the intent of the NL zoning districts. While there are several other automobile repair establishments nearby, the use is not compatible with the event center, office buildings, or higher end shopping centers.

**C. 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 does not propose any alterations to the property which would require review of stormwater management.

**Water and sewer.** DeKalb Watershed Management will complete a review as part of the Occupational Tax Certificate (OTC) process, if the SLUP is approved.

**D. 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.**

While the applicant's letter of intent states Auto MD expects to have 8 to 12 vehicles in and out of the property per day, traffic flow within the front of existing site is complex and needs to be redesigned to accommodate the businesses operating at the site.

**E. 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.**

If developed in accordance with recommended conditions, land uses along Northlake Parkway will not be adversely affected by the character of vehicles or the volume of traffic generated by the proposed business. The application states the proposed hours of operation would be Monday-Friday, 8 a.m. to 6 p.m. and Saturday from 9 a.m. to 1 p.m.

**F. 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 adequacy of ingress and egress of the subject site is poor. There are two curb cuts along Northlake Parkway that are designed as one way. The northern most curb cut has two entrance lanes and the southern curb cut is exit only. The topography of the parcels drops off right after you enter the site which creates visibility issues. An event center combined with two automobile-oriented uses shall have safer access to and from the site. DeKalb Fire Department has no comments for the proposed business.

**G. 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 minor automobile repair will not emit smoke, odor, dust or vibration because all service shall be conducted within the enclosed building.

The applicant has stated that his goal is to enhance the property and that excessive noise, vibrations, smoke, and dust would not be generated. Additionally, the applicant has stated “some minor odors of gasoline or oil may occur when vehicles are being repaired, but that he has a meticulous procedure for waste disposal.” Chapter 28 Nuisances, Article VII also regulates noise levels in the city of Tucker.

**H. 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 property is surrounded by other NL-1, NL-2, and NL-4 properties. If the business operates per the supplemental regulations, there should not any adverse impacts. The application states that “the noise created by the business is minimal and the hours of operation will be strict.” Staff recommends a condition limiting the hours of operation to 8 am to 6 pm to minimize adverse impacts.

**I. 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 the staff recommended conditions, nearby land uses should not be adversely affected by the manner or operation of the proposed minor auto repair. However, the applicant must take care to ensure that noise levels are kept to a minimum, all repair occurs inside the fully enclosed structure, and that there is no vehicle storage.

**J. 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 minor auto repair shop is not consistent with the statement of purpose and intent of the NL-1 (High-Intensity Commercial) zoning classification. Sec. 46-1032(b), states “the NL-1 district 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.”

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

The subject property is designated Regional Activity Center on the Future Land Use Map. Primary land uses include retail & service commercial, office, townhomes, entertainment facilities, and higher density multi-family. The proposed use is generally inconsistent with the character area. Although service commercial is listed as a primary land use type, the Comprehensive Plan specifically discusses “the focus on redeveloping and retrofitting the area to include more residential uses, to “right-size” the amount of commercial space to meet expected demand and to enhance walkability.” Minor automobile repair is not in alignment with the development strategy of the Regional Activity Center which states that development should “include designing pedestrian-oriented centers, with strong, walkable connections between different uses”.

If approved with recommended conditions, however, the request would be consistent with Goal 5 of the Comprehensive Plan, to bolster the economic base of the City.

**L. 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.**

There is no transitional buffer requirements on this parcel.

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

The applicant has a sanitation account with DeKalb County Sanitation which should accommodate any refuse generated by the business. Three dumpsters are currently located on site.

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

Staff does not recommend any limits on the length of time of the special land use permit (if granted), so long as the applicant obtains all local licensing requirements including compliance with approved conditions and annual occupational tax certificate renewal.

**O. 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 proposes no changes to the existing building size, mass, and scale.

**P. 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.

**Q. 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. 46-1157(c). - Automotive sales and service. The applicant's letter of intent states that they will comply with the standards for Automobile repair and maintenance establishments, minor.

**c. Automobile repair and maintenance establishments, minor.**

**All minor automobile repair and maintenance establishment operations, including the servicing of vehicles, storage of materials and similar activities connected with the use, shall be conducted entirely within an enclosed building. For purposes of determining whether a building is enclosed, the use of open overhead bay doors that can be closed shall be permitted.**



**Cars awaiting service shall be stored inside an enclosed building or in the side or rear yard.**

**R. 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 use will not produce an adverse shadow effect. No changes are being proposed to the existing structure regarding increasing the footprint of the building.

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

There are four automobile-oriented businesses operating nearby.

- Zip Tire
  - Located within the same building as the proposed automobile repair shop at 2101 Northlake Parkway.
- DeKalb Tire
  - Located at 2089 Northlake Parkway, on the parcel adjacent and south of the subject site.
- Take 5 Oil Change
  - Located at 4303 Lavista Road, approximately 500' from the subject property.
- Firestone
  - Located at 2066 Northlake Parkway, approximately 900' from the subject site.

The addition of a fifth automotive sales and services establishment would result in a disproportionate proliferation of similar uses.

**T. 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.** Primary land uses include service commercial and office uses. The proposal is inconsistent with the character area, as this type of use would not be in alignment with the development strategy of the Regional Activity Center which “focuses on redeveloping and retrofitting the area to include more residential and “right size” the amount of commercial space to meet expected demand and to enhance walkability.” However, if approved with recommended conditions, the request would be consistent with Tucker Tomorrow’s Goal 5 to bolster the economic base of the comprehensive plan.

**CONCLUSION**

If the proposed business is developed in accordance with the staff recommended conditions, nearby land uses should not be adversely affected by the manner or operation of the proposed minor auto repair. However, the addition of a fifth automobile-oriented business would create a disproportionate proliferation of similar uses and would not comply with the Comprehensive Plan.

Therefore, Staff recommends **DENIAL** of the requested special land use permit.

## Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petition **SLUP-21-0002**.

Should the governing bodies choose to approve the SLUP request, Staff recommends the request be approved subject to the following conditions:

1. The business shall be limited to “automobile repair or maintenance, minor” as defined in Section 46-1175 and restricted to the portion of the northernmost building and associated parking, as shown on the site plan submitted on June 15, 2021.
2. Automobile brokers, used motor parts dealers, automobile storage, and outdoor storage shall not be permitted on site. The SLUP is only valid for the portion of the northernmost building and associated parking portion of the site, as shown in the application.
3. The hours of operation shall be limited to 8:00 a.m. to 6:00 p.m.
4. The owner of the property shall submit a plan to redesign the curb cuts, per the approval of the City Engineer, within 90 days of SLUP approval. Work shall be completed within 6 months of SLUP approval.
5. A dumpster enclosure shall be constructed that complies with Section 46-1040 (d)(5).
6. All auto repair shall be conducted indoors.
7. Vehicles shall not be stored on site for more than 60 days. An inventory log shall be maintained at all times that includes each vehicle on site, the type of repair needed, the date the vehicle arrived on site, and the date the service is complete.
8. All vehicles shall be parked in striped spaces of standard size and shall not extend into any drive aisle.
9. No more than two rows of stacking shall be permitted.
10. Drive aisles shall be provided for access to buildings and all parking spaces.
11. Vehicles shall not block the safe access of pedestrians, cars, or emergency vehicles.
12. All vehicles shall be parked on a paved surface that is connected to and has continuous paved access to a public or private street.
13. All vehicles shall have a state issued license plate or a dealer tag that identifies vehicle ownership.
14. All licenses shall be clearly displayed and maintained in the facility.