



**Land Use Petitions:** SLUP-21-0008 & SLUP-21-0009

**Date of Staff Recommendation Preparation:** November 1, 2021

**Planning Commission:** November 18, 2021

**Mayor and City Council, 1<sup>st</sup> Read:** December 13, 2021

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

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<b>PROJECT LOCATION:</b>	4114 Lavista Road, Tucker, GA
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 210
<b>ACREAGE:</b>	1.0 acre
<b>EXISTING ZONING</b>	NL-1 (Northlake High Intensity Commercial)
<b>EXISTING LAND USE</b>	Convenience store with fuel pumps and alcohol sales; car wash; Castrol Premium Lube Express
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Regional Activity Center (RAC)
<b>OVERLAY DISTRICT:</b>	NA
<b>APPLICANT:</b>	Blackwater Construction Group and Ingenium Enterprises, Inc., c/o Erik Houston
<b>OWNER:</b>	Global Impex, Inc.
<b>PROPOSED DEVELOPMENT:</b>	Redevelopment of the site with a 5,000 sq.ft. convenience store and 2,160 sq.ft. fueling station canopy.  A SLUP is required for both the proposed fuel pumps (SLUP-21-0008) and alcohol sales (SLUP-21-0009) due to the project being considered a major redevelopment.
<b>STAFF RECOMMENDATION:</b>	<b>Approval with conditions of SLUP-21-0008 (Fuel Pumps)</b> <b>Approval with condition of SLUP-21-0009 (Alcohol Sales)</b>

**BACKGROUND**

The subject property is approximately a one-acre parcel and the site is currently developed with three buildings. A one-story, approximately 2,050 sq.ft. oil change facility with two bays is located on the western portion of the property, a 5,000 sq.ft. convenience store with fuel pumps and canopy is located near the center of the site, and a car wash facility, adjacent to the northern property line, is approximately 1,000 sq.ft. The subject site currently has two points of access, from Parklake Drive and Lavista Road. As the site is currently developed, alcohol sales and fuel pumps currently exist on the property.

The applicant is requesting to redevelop the site to make necessary upgrades to the existing services provided. The redevelopment of the property would be considered a major redevelopment, as the redevelopment of the site will exceed the estimated cost of 60 percent of the site’s fair market value prior to the expansion. In order to redevelop the site and continue to have alcohol sales and fuel pumps, a Special Land Use Permit for each use is required per Section 46-1743.

4114 Lavista Road was annexed into the city in December 2016.

**PROJECT DATA**

The applicant has submitted two applications for Special Land Use Permits (SLUP) for the 1.0+/- acre subject property located at 4114 Lavista Road (located at the northwestern intersection of Lavista Road and Parklake Drive NE). The subject site is approximately 500 feet from Interstate 285. The request is to redevelop the site to include fuel pumps (SLUP-21-0008) and alcohol sales (SLUP-21-0009).

The subject property is currently developed with several buildings, including a car wash facility, convenience store with eight fuel pumps, and an oil change establishment. The applicant has stated they intend to demolish the existing car wash facility with the redevelopment of the site. The oil change establishment would remain unchanged. It should be noted the existing oil change facility has an Occupational Tax Certificate (OTC) with the City of Tucker. Additionally, the convenience store and car wash have an active Alcohol License and OTC with the City of Tucker.

The submitted site plan depicts a proposed 5,000 sq.ft., air-conditioned convenience store along Parklake Drive (western property line) and an approximately 2,160 sq.ft. fuel canopy that will have eight fuel pumps from four dispenser aisles, the same as currently exists on the site. The fuel canopy is located near the center portion of the parcel. A 5’ landscape strip is proposed along the northern and western property lines and streetscape zones are shown along Lavista and Parklake in 20’ and 15’ widths, respectively. The applicant has proposed that the hours of operation for the new convenience store will follow those of the existing convenience store. Staff has reached out to the applicant for the existing convenience store hours; however the applicant has not confirmed the hours.

The applicant submitted a trip generation letter which depicted the following:

	Existing	Proposed
AM Peak total trips	47	43
PM Peak Total Trips	39	35

The proposed redevelopment of the site would cause a decrease in traffic as the existing car wash would be demolished and not reconstructed. Cars will primarily enter via a right-in/right-out drive via Lavista Road. Secondary vehicular access for cars would be provided via a full access drive from Parklake Drive.

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

The subject property is located within the 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 in the NL-1 zoning district "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 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 to ensure compatibility with the surrounding area including environmental impacts, visual and infrastructure impacts.

### **CHARACTER AREA**

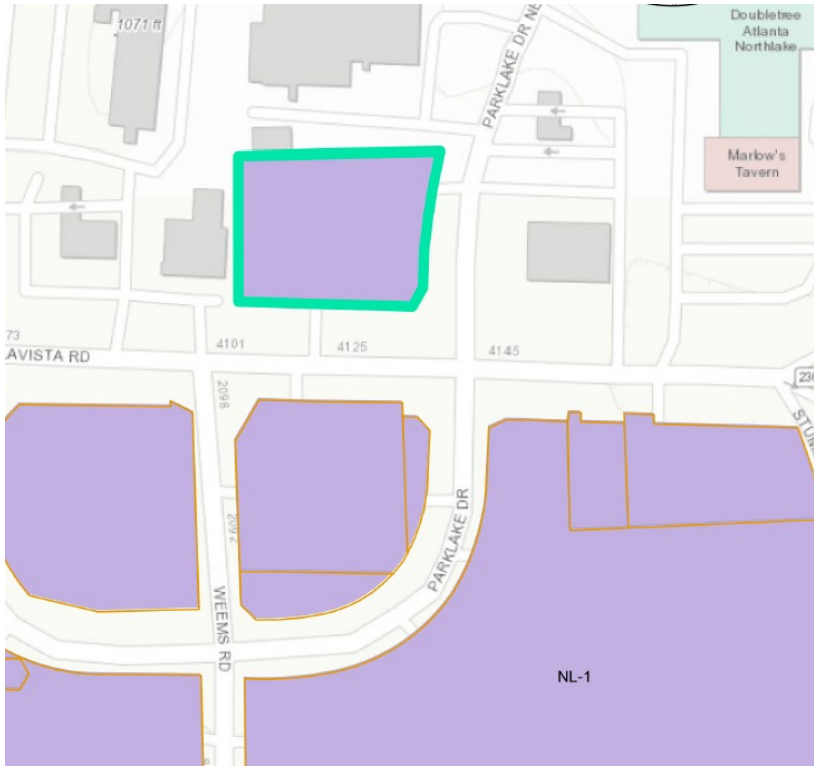
The subject property is in the Regional Activity Center Character Area on the Future Land Use Map. Recommendations of the Regional Activity Center designation include a higher-density mix of retail, office, housing, and services, and employment to serve a regional market area. Because the Northlake area is readily accessible from the highway and is already more developed, future development in this portion of the city is considered both desirable and appropriate.

### **PUBLIC PARTICIPATION PLAN REPORT**

The applicant hosted a thirty-minute virtual community meeting on October 7, 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, developers, and engineer. The site plan and elevations for the project were shown and the only suggestion from those attending was to include elevations in the application packet to the City of Tucker. The applicant has submitted elevations, as suggested.

**NEARBY/SURROUNDING LAND ANALYSIS**

Adjacent & Surrounding Properties	Zoning (Petition Number)	Overlay District	Existing Land Use
Adjacent: North	C-1 Unincorporated DeKalb	Northlake Overlay Unincorporated DeKalb	Quantum Park Offices
Adjacent: East (across Parklake Drive NE)	C-1 Unincorporated DeKalb	Northlake Overlay Unincorporated DeKalb	Bank of America Financial Institution
Adjacent: South (South across Lavista Road)	NL-1 (Northlake High Intensity Commercial)	NA	BP Gas Station
Adjacent: West	C-1 Unincorporated DeKalb	Northlake Overlay Unincorporated DeKalb	Liquor store, eye doctor, bank, etc



Zoning Map

*Note: Zoning only showed for properties within the city of Tucker boundary.*



*Aerial Photo*

**SLUP-21-0008 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 subject property is approximately 1.0 acre and consists of approximately 7,500 sq.ft. of buildings between the existing car wash facility, oil change establishment, and convenience store with fuel pumps.

The site is relatively small for the scope of the proposed 5,000 sq.ft. convenience store, 2,160 sq.ft. fuel pumps and canopy, and existing 2,000 sq.ft. oil change facility; however, it meets the development standards for the zoning district and the developer will be removing the existing car wash along the northern property line, with the redevelopment of the site. The proposed lot

coverage of the property is 80%. While this is the maximum allowed in the NL-1 zoning district, this is substantially lower than the existing impervious area. The site plan also shows adequate parking that meets the standards in Article 6, *Parking*, of the Zoning Ordinance. 22 spaces are shown on the site plan, including two ADA spaces, while the minimum required is 15 spaces. The site plan also shows substantial landscaping around the exterior of the property, as well as a much larger streetscape along Lavista Road and Parklake Drive.

**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 convenience store, which will include fuel pumps, is compatible with the land uses and development of adjacent properties, as it is located on a minor arterial road near restaurants and other commercial uses. It should be noted that Interstate 285 is located approximately 500 feet to the east of the subject property. Additionally, the proposed project is a redevelopment of the site and would be less intensive as the applicant is proposing to demolish the existing car wash on the property.

**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.** Owner/developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.

**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.**

The subject property has two existing curb cuts, one full-access drive along Parklake Drive and one right-in/right-out aisle along Lavista Road. The applicant is requesting that both curb cuts remain. The City Engineer did not have any comments regarding access to the site. Traffic can adequately move about the site and with the demolition of the existing car wash, the applicant expects less traffic to frequent the property.

**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.**

The proposed development meets this standard. The ingress and egress to the site will not change with the redevelopment of the property. Sufficient access is currently provided for emergency vehicles.

- 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 the existing fuel storage tanks and all applicable standards for fuel pumps. Therefore, no adverse impacts on adjoining land uses are anticipated due to the environmental standards with 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 applicant is requesting the same hours of operation that currently exist on the property.

- 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 the site is redeveloped in accordance with recommended conditions, land uses along N 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 zoning district requirements, and the development will require further review regarding landscaping, exterior building materials, crosswalks, etc., at the time of Site & Land Development Review. During site/development review, the applicant will need to provide material specifications to determine compliance. The site plan shows a dumpster enclosure along the northern property line. Details regarding the enclosure will be required and vetted during the site/development review process.

- 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 located in the Regional Activity Center on the Future Land Use Map. 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.

The proposed redevelopment of the site will provide a more attractive gateway into the City and allow the property to better comply with the Northlake Design standards.

**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.

**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. Additionally, the car wash would be removed, and the convenience store and fuel pump canopy would be constructed perpendicular to Lavista Road, creating a much more efficient flow of the site. The applicant submitted renderings of the proposed convenience store and the building will be constructed of a mixture of brick veneer and insulated glass with a height of approximately 20'. The proposed fuel canopy would be approximately 18'3½". The existing oil change facility will remain untouched on the site. 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 NL-1 zoning district pertaining to setback requirements.
  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. The proposed development meets this 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 18'3½". The proposed development meets this 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, prior to the 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 recommended condition of approval.
  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. The proposed development meets this 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. The proposed development meets this 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 proposed convenience store is one story, with the submitted renderings showing a building height of approximately 19'5". The proposed canopy over the fuel pumps is

18'3½". Neither the convenience store nor the gas canopy 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.**

Although there is an existing gas station across the street, staff would not consider the redevelopment of the site to be a proliferation of this use in the area. Rather, the gas stations opposite each other both have one point of access along Lavista Road and may cater to travelers going in opposite directions.

**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.**

Retail and service commercial are supported land uses within the Regional Activity Center. Redevelopment will also help to improve aesthetics in this important gateway.

**CONCLUSION**

The proposed Special Land Use Permit application, to allow for redeveloped fuel pumps, is consistent with the purpose and intent of the Regional Activity Center Character Area. The location is less than 500 feet from the interchange to Interstate 285 and the use has been on the site for several decades. The proposed redevelopment of the site would more a more attractive gateway and would be less intensive as the applicant is proposing to demolish the existing car wash on the property.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of **SLUP-21-0008**.

1. The property shall be developed in general conformance with the site plan submitted on October 18, 2021, to the Community Development Department, with revisions to meet these conditions.
2. The use of the property shall be limited to a 5,000 square-foot convenience store with alcohol sales and fuel pumps and an oil change establishment.
3. Lighting shall be energy efficient LED lighting with downward facing cut-off light fixtures to reduce glare.
4. The exterior building materials shall comply with the NL-1 (Northlake High Intensity Commercial) architectural regulations.
5. The dumpster enclosure shall be constructed out of the same materials and design as the convenience store.
6. There shall be no overnight truck or car parking.

7. There shall be no collection bins or outdoor display of merchandise, with the exception of propane tanks.
8. Vape and CBD sales shall be limited per the definitions in Chapter 46, Article 9.
9. A sign permit shall be submitted to the City of Tucker Community Development Department and must be in compliance with the sign code. All non-conforming signs on the property are required to be removed during the land development stage.
10. Owner/Developer shall comply with Section 22-34 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.
11. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.
12. Owner/Developer shall design the release of stormwater runoff from the site such that concentrated flow is not released onto Parklake Drive. Plans shall be approved by the City Engineer.
13. The development of this project is contingent upon the approval of the DeKalb County Department of Watershed Management.

## SLUP-21-0009 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 subject property is approximately 1.0 acre and consists of approximately 7,500 sq.ft. of buildings between the existing car wash facility, oil change establishment, and convenience store with fuel pumps.

The site is relatively small for the scope of the proposed 5,000 sq.ft. convenience store, 2,160 sq.ft. fuel pumps and canopy, and existing 2,000 sq.ft. oil change facility; however, it meets the development standards for the zoning district and the developer will be removing the existing car wash along the northern property line, with the redevelopment of the site. The proposed lot coverage of the property is 80%. While this is the maximum allowed in the NL-1 zoning district, this is substantially lower than the existing impervious area. The site plan also shows adequate parking that meets the standards in Article 6, *Parking*, of the Zoning Ordinance. 22 spaces are shown on the site plan, including two ADA spaces, while the minimum required is 15 spaces. The site plan also shows substantial landscaping around the exterior of the property, as well as a much larger streetscape along Lavista Road and Parklake Drive.

- 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 proposal for alcohol sales is compatible with the land uses and development of adjacent properties as it is located on a minor arterial road near commercial uses and Interstate 285.

- 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.** Owner/developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.

**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.**

The subject property has two existing curb cuts, one full-access drive along Parklake Drive and one right-in/right-out aisle along Lavista Road. The applicant is requesting that both curb cuts remain. The City Engineer did not have any comments regarding access to the site. Traffic can adequately move about the site and with the demolition of the existing car wash, the applicant expects less traffic to frequent the property.

- 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, as the request is for a redevelopment of the existing convenience store. Alcohol sales currently exist on the site so it will not change 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.**

The proposed development meets this standard. The ingress and egress to the site will not change with the redevelopment of the property. Sufficient access is currently provided for emergency vehicles.

- 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. This same condition was included for the gas station redevelopment at 4246 Lavista Road (SLUP-19-0009).

- 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 subject property is surrounded by other commercial uses and should not create adverse impacts for nearby/surrounding properties. Additionally, the subject property is located less than 500 feet of an Interstate 285 interchange.

- 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 will not be adversely affected by the manner or operation of the development. The subject property is completely surrounded by commercial uses.

**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 zoning district requirements, but the development will require further review regarding landscaping, exterior building materials, crosswalks, etc., at the time of Site & Land Development Review. During Site and Development, the applicant will need to provide material specifications to determine compliance. While the site plan also shows the dumpster location within an enclosure, full dumpster enclosure details will need to be provided to determine compliance.

**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 located in the Regional Activity Center on the Future Land Use Map. 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.

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

The site plan shows space for a dumpster and enclosure along the northern property line 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 closer to the street, activating this corner and creating a more pedestrian oriented streetscape. The applicant submitted elevations which show a mixture of insulated glass and brick veneer as exterior materials with an approximate building height of 20 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, staff has proposed a condition limiting the 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 proposed at approximately 20 feet, or one story, 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. While there is a liquor store immediately next door to the site, the proposed request is a redevelopment and would not add to the existing number of alcohol sales establishments.

**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.**

Retail and service commercial are supported land uses within the Regional Activity Center. Redevelopment will also help to improve aesthetics in this important gateway.

**CONCLUSION**

The proposed Special Land Use Permit, to allow for continued alcohol sales, would be complementary to the convenience store and other existing uses along Lavista. Alcohol sales within the establishment shall be limited to ensure compatibility with the surrounding area and to ensure it remains as an accessory use.

**STAFF RECOMMENDATION**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of **SLUP-21-0009**.

1. The property shall be developed in general conformance with the site plan submitted on October 18, 2021, to the Community Development Department, with revisions to meet these conditions.
2. The use of the property shall be limited to a 5,000 square-foot convenience store with alcohol sales and fuel pumps and an oil change establishment.
3. The hours of alcohol sales shall cease daily at 12:30am Monday through Sunday.
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. The exterior building materials shall comply with the NL-1 (Northlake High Intensity Commercial) architectural regulations.
7. The dumpster enclosure shall be constructed out of the same materials and design as the convenience store.
8. There shall be no overnight truck or car parking.
9. There shall be no collection bins or outdoor display of merchandise, with the exception of propane tanks.
10. Vape and CBD sales shall be limited per the definitions in Chapter 46, Article 9.



11. A sign permit shall be submitted to the City of Tucker Community Development Department and must be in compliance with the sign code. All non-conforming signs on the property are required to be removed during the land development stage.
12. Owner/Developer shall comply with Section 22-34 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.
13. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.
14. Owner/Developer shall design the release of stormwater runoff from the site such that concentrated flow is not released onto Parklake Drive. Plans shall be approved by the City Engineer.
15. 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**

- New fire site and fire line plans for site approval will be required at LDP.
- Life Safety plan will be required for building(s).

**DEKALB COUNTY SCHOOL SYSTEM**

Not applicable; no comments.

**LAND DEVELOPMENT**

No comments.