



Land Use Petition: RZ-18-005
Date of Staff Recommendation Preparation: 9/17/18
Community Council: September 12, 2018
Planning Commission: September 27, 2018
Mayor and City Council, 1st Read: October 8, 2018
Mayor and City Council, 2nd Read: October 22, 2018

PROJECT LOCATION: 2825 Mountain Industrial Boulevard, Tucker, GA 30084

APPLICATION NUMBER: RZ-18-005

COMPANION APPS.: N/A

DISTRICT/LANDLOT(S): Land District 18, Land Lot 256

ACREAGE: 2.4 acres

EXISTING ZONING: MR-2 (Medium Density Residential-2)

EXISTING LAND USE: GA Power Substation

FUTURE LAND USE MAP DESIGNATION: Neighborhood Center

OVERLAY DISTRICT: Mountain Industrial Boulevard

APPLICANT: City of Tucker

OWNER: Georgia Power Company

PROPOSED DEVELOPMENT: None

STAFF RECOMMENDATION: **Approval**

BACKGROUND

The City of Tucker recently completed its Comprehensive Plan, a document that expresses the community's aspirations and goals for its future, while articulating a corresponding set of policies and recommendations to guide decisions regarding land use, development, and capital improvement. In addition, the City of Tucker completed a Housing Density study which provides a baseline to assess current inventory. During this process, the City of Tucker staff analyzed the current zoning and character area designation and discovered multiple parcels they realized should be rezoned in order to match the existing land uses and development pattern.

In the City of Tucker's Zoning Ordinance Article 7 (*Administration*), Division 3 outlines Zoning and Comprehensive Plan Amendments and Procedures. Section 7.3.1 states that in addition to property owners of a subject property having the opportunity to initiate rezoning, *a proposed amendment to the text of this chapter, the Official Zoning Map, or the comprehensive plan may be introduced by the community development director.*

2825 Mountain Industrial Boulevard is one of the parcels identified for potential rezoning. A certified letter was sent regarding the justification for, and timeline of, the rezoning process. City staff met with the Georgia Power Area Manager, Toni Hannah, to further discuss the rezoning. Georgia Power does not take a position on the city-initiated rezoning as they are exempt from local zoning regulations. This parcel, which has been owned by Georgia Power since 1980, is currently zoned MR-2 (Medium Density Residential-2) and is in the Neighborhood Center character area on the future land use map. The subject property is primarily a flat, asphalt lot, screened by trees on all sides. Placed on the asphalt is a substation for Georgia Power.

Tucker Tomorrow, the City's Comprehensive Plan, has five major goals. One of which is to 'Preserve and Improve Neighborhoods.' Though 2825 Mountain Industrial Boulevard is zoned MR-2, and has MR-2 directly to the east, its character area is Neighborhood Center. Neighborhood Center is designed to include a mix of retail, services, and offices to serve residents' day-to-day needs. It does not support residential uses. By right, MR-2 allows up to 12 units per acre, and development at that density would not correspond with the Neighborhood Center character area, nor would it align with the surrounding character areas of Suburban, and Industrial. The City of Tucker is initiating rezoning this parcel to C-1 (Local Commercial). C-1 zoning would not only match the current use more closely, but it would also allow future uses to be more aligned with the Neighborhood Center designation and the needs of the neighboring residents. With its frontage on Mountain Industrial Boulevard, a local commercial designation is much more appropriate.

MOUNTAIN INDUSTRIAL BOULEVARD OVERLAY

The subject property is located within the Mountain Industrial Boulevard Overlay District. The intent of the Mountain Industrial Overlay district is to preserve and enhance the long-term economic viability of the Mountain Industrial Boulevard corridor by encouraging investment that increases the tax base and provides employment opportunities to the citizens of the City of Tucker; to improve the visual appearance and increase property values within the corridor; allow flexibility in development standards in order to encourage the design of innovative development projects that set high standards for landscaping, green space, urban design, and public amenities; and promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the corridor.

CHARACTER AREA (Future Land Use)

The subject parcel is located within the Neighborhood Center Character Area on the Future Land Use Map. The intent of the Neighborhood Character Area is to include a mix of retail, services, and offices to serve neighborhood residents' day-to-day needs.

COMMUNITY COUNCIL REVIEW

The Community Council reviewed the proposed application for rezoning on September 12, 2018. There were no questions asked by the Community Council, and no residents spoke in favor or in opposition of the rezoning.

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	C-1	Restaurant/Bar
Adjacent: East	MR-2	Single-Family Detached
Adjacent: West	O-I	Vacant
Adjacent: South	M	Cell Tower

REZONING - CRITERIA TO BE APPLIED:

Criteria (standards and factors) for rezoning decisions are provided in Section 7.3.5 of the City of Tucker Zoning Ordinance.

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The proposed zoning is in conformity with the policy and intent of the *Tucker Tomorrow* Comprehensive Plan. 2825 Mountain Industrial Boulevard is currently zoned MR-2, which would allow single-family detached, townhomes, two/three family, and multi-family/mixed at a density of up to 12 units per acre by right. These medium and high density uses do not reflect Tucker’s Comprehensive Plan, which clearly states ‘Preserve and Improve Neighborhoods’ as a major community goal. Additionally, the Character Area of this parcel is Neighborhood Center. This character area is designed to support offices, retail, and services to serve neighborhood residents. Residential is not supported as a primary land use. Rezoning this parcel to C-1 would allow uses that would match the Neighborhood Center character area, where MR-2 would not do so.

2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

This parcel is surrounded by several other zoning districts, including C-1 to the north, O-I to the northeast, MR-2 to the east, and Light Industrial to the south. Additionally, this parcel is surrounded by several character areas including Neighborhood Center to the north and west, Suburban to the east, and Industrial to the south.

Rezoning this parcel to C-1 would allow a better transition from light industrial zoning to the south, as well as encourage future uses that would be more consistent with those to the north and west. Rezoning to C-1 would also allow uses that would promote the Neighborhood Center character area and provide a better transition to the Suburban character area to the east. While there is no change in use or new development being proposed, uses allowed within the C-1 zoning district are abundant and can be found in Table 4.1 in Tucker’s Zoning Ordinance. This includes, but is not limited to office, retail, and food establishments. Additionally, the parcel is subject to the regulations of the Mountain Industrial Overlay which includes use restrictions and design requirements.

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

The subject property would have reasonable economic use under both the MR-2 and C-1 zoning designations.

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

The proposed zoning will not adversely affect the existing use or usability of adjacent or nearby properties. Rezoning this parcel will not impact the current use as a Georgia Power substation, in fact C-1 more closely aligns with the current use. If this site was to change uses in the future, staff believes C-1 zoning would enhance the development options available along the Mountain Industrial corridor and fulfill the Comprehensive Plan's goal of bolstering the economic base.

5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

There are no known existing or changing conditions that affect the use and development of the parcel that is part of this rezoning application.

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

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

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

The proposed zoning will not result in excessive or burdensome use of existing street, transportation facilities, utilizes, or schools as no new use or development is being proposed. Schools, street, and transportation facilities could be greatly impacted if the parcel is developed at a future date under the MR-2 zoning designation.

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

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

CONCLUSION

Staff finds that the requested zoning district, C-1, is consistent with the goals and recommendations of the *Tucker Tomorrow* Comprehensive Plan and the existing development. Rezoning this parcel from MR-2 to C-1 increases conformity for the existing use, as well as encourages future uses that enhance the Neighborhood Center character area such as retail and offices. By rezoning this property, the neighborhood to the east is protected from encroaching high-density developments, and future development will likely bolster the economic base for Tucker as a commercially zoned property. Staff recommends approval of the requested rezoning with no conditions.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends APPROVAL of RZ-18-005.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its September 27, 2018 public hearing, the Planning Commission recommends APPROVAL of RZ-18-005.