



Land Use Petition: RZ-18-006

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: 2291 Wender Drive, Tucker, GA 30084

APPLICATION NUMBER: RZ-18-006

COMPANION APPS.:

DISTRICT/LANDLOT(S): Land District 18, Land Lot 210 and 211

ACREAGE: 3.26 acres

EXISTING ZONING: RSM (Small Lot Residential Mix)

EXISTING LAND USE: Vacant land

FUTURE LAND USE MAP DESIGNATION: Suburban

OVERLAY DISTRICT: N/A

APPLICANT: City of Tucker

OWNER: Winding Vista Recreation Association

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.*

2291 Wender Drive has been identified for potential rezoning. This 3.26-acre site is zoned RSM (Small Lot Residential Mix) and is located off of a cul-de-sac in the back of the Winding Woods neighborhood. The neighborhood is a traditional single-family residential community made up of detached homes zoned R-85. The site is heavily wooded and vacant, other than a small paved portion that is used by two residences for driveway access. Surrounding the lot to the South, East, and West, is R-85 (Residential Medium Lot – 85). To the Northwest, the parcel abuts OI (Office-Institution) zoning. This parcel (zoned OI) is an office park, Habersham at Northlake, that is made up of individually owned office buildings. The vacant land that is subject to this rezoning was actually deeded to the Winding Vista Recreation Association by Habersham at Northlake in 1982 with the restriction that the land remains in its natural and undisturbed state. The original site plan for Habersham at Northlake shows this parcel as vacant land.

A certified letter was sent to the property owner, Winding Vista Recreation Association, regarding the justification for, and timeline of the rezoning process. The president of the association has been communicating with the City of Tucker in order to learn about the rezoning process and to understand what their options are for the property. City staff will continue to communicate with the Recreation Association throughout the public hearing process.

In 1972 the subject parcel was rezoned under case number Z-72197. When the City of Tucker incorporated in 2016, the process of requesting and receiving all past case files was initiated. While Dekalb County was able to send the City of Tucker a majority of the case, there were a number of files that Dekalb County could not find, so the City of Tucker does not have them. Z-72197 is one of these missing case files. Because this file is missing, the City of Tucker is not aware of possible conditions of the 1972 rezoning. Staff has not been able to identify any information regarding this case.

Rezoning this parcel to R-85 would allow the parcel to align with surrounding zoning district and would allow the zoning district to be consistent with the Character Area of the parcel, Suburban. The Suburban Character Area allows residential development of 4-6 units per acre, but on this parcel, staff would only recommend up to 4 units per acre given its location. The Suburban Character Area is a future land use designation that will assist the City in accomplishing the 'Preserve and Improve Neighborhoods' goal of the comprehensive plan. This goal is one of five that came out of the visioning process for *Tucker Tomorrow*, and as the City has large areas of established neighborhoods with traditional ranch homes, it is imperative that medium and high-density residential development does not encroach into these established neighborhoods. Rezoning 2291 Wender Drive from RSM to R-85 would allow the parcel to conform with the existing neighborhood and mitigate potential encroachment.

The R-85 zoning district requires lots to be a minimum of 12,000 ft², with at least 85' of road frontage. Though this parcel would be difficult to develop due to topography, a stream and a required stream buffer, and required construction of a road to gain frontage, if it was developed as R-85 it would match the existing neighborhood better than if it was developed as RSM. Rezoning this parcel from RSM to R-85 would allow the Winding Woods neighborhood to remain majority single-family detached, while allowing for the possibility of future low-density

growth. If this parcel remained zoned as RSM, it could be developed with medium density by right. A development of this nature at the back of an established neighborhood such as Winding Woods would negatively impact the residents with traffic and be an illogical transition.

CHARACTER AREA (Future Land Use)

The subject parcel is located within the Suburban Character Area on the Future Land Use Map. The intent of the Suburban Character Area is to maintain the strong neighborhood community in the City of Tucker. The following elements are included in the development strategy for the Suburban Character Area:

- Ensuring that the expansion or improvement of single-family homes within Tucker’s existing neighborhoods are compatible with the existing housing stock in terms of building height, footprint and massing, particularly as viewed from the street.
- Preserving the character of single-family neighborhoods by preventing the encroachment of higher density residential development and non-residential uses within existing neighborhoods.
- Giving special care to managing land use transitions along the periphery of residential neighborhoods to ensure that new development does not diminish the character of existing neighborhoods.
- Given the small number of remaining vacant land available for development, directing new housing to high activity areas, such as the Northlake area, downtown, and neighborhood centers.
- Enhancing the quality of residential neighborhoods by adding traffic calming improvements, sidewalks, and increased street interconnections to improve walk-ability within existing neighborhoods.

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, however multiple residents attended the meeting in support of the city-initiated rezoning. Four residents of Winding Woods spoke in favor of the rezoning with concerns about how a medium density development may impact their community.

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	R-85	Single-Family Detached
Adjacent: East	R-85	Single-Family Detached
Adjacent: Northwest	O-I	Office Buildings
Adjacent: West	R-85	Single-Family Detached
Adjacent: South	R-85	Single-Family Detached

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. 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. **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. This plan includes a map of the Character Areas, or future land uses, for the City of Tucker as well as outlines five major goals including 'Preserve and Improve Neighborhoods.' The strategies to accomplish that goal closely align with the development strategy of the Suburban Character Area.

The development strategy outlined in the comprehensive plan for the Suburban character area has five elements including 'ensuring that the expansion or improvement of single-family homes within Tucker's existing neighborhoods are compatible with the existing housing stock,' 'preserving the character of single-family neighborhoods by preventing the encroachment of higher density residential development,' 'directing new housing to high activity areas.' Rezoning this parcel to R-85 would help accomplish each of these strategy elements. Because the existing neighborhood is zoned R-85, if this parcel was rezoned to match it, that would ensure that future development would align with the existing housing stock. As the parcel is currently zoned, a medium density (4-6 units per acre) development could be proposed by-right. Rezoning to R-85 would prevent encroachment of this higher density development. The rear portion of a well-established, low density neighborhood is not a high activity area, and therefore is not an appropriate place for new medium density housing stock.

If the subject parcel were to remain in the RSM zoning district, a by-right development of 4-6 units could be proposed, and this would not be compatible with the existing housing stock of Winding Woods or be compatible with the large lot, low density character of Winding Woods. Although this parcel is abutting a OI (Office Institutional) zone, there is no inter parcel access, and therefore cannot be considered a high activity area.

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.

The subject parcel is surrounded by R-85 lots that are developed as a single family detached neighborhood. If 2291 Wender Drive was rezoned to R-85, it would permit similar, compatible development in single family homes that would fit into the existing low-density neighborhood. To the northwest, the parcel abuts OI (Office Institutional) zoning, however there is no road connection between these parcels. Residential developments are permitted on parcels abutting OI zoning.

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 RSM and R-85 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 to R-85 will help to protect the existing neighborhood from possible negative impacts of a medium density residential development.

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. Schools, street, and transportation facilities could be impacted if the parcel is left zoned as RSM due to the higher density development options.

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, R-85, aligns with the surrounding zoning districts and the Character Area map in Tucker's comprehensive plan. In order to preserve the existing neighborhood and maintain zoning that matches the Suburban character area, this parcel should be consistently zoned with those around it – R-85. This encourages additional housing stock that is compatible with the existing development, as well as ensures the surrounding residents will not be negatively impacted by an encroaching medium-density residential development.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends APPROVAL of RZ-18-006.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its September 27, 2018 public hearing, the Planning Commission recommends APPROVAL of RZ-18-006.