



# City of Tucker

**Land Use Petitions:** RZ-19-0003 & SLUP-19-0006

**Date of Staff Recommendation Preparation:** June 20, 2019

**Community Council:** April 10, 2019

**Planning Commission:** June 27, 2019

**Mayor and City Council, 1<sup>st</sup> Read:** July 22, 2019

**Mayor and City Council, 2<sup>nd</sup> Read:** August 26, 2019

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<b>PROJECT LOCATION:</b>	4260 & 4270 Lawrenceville Highway
<b>DISTRICT/LANDLOT(S):</b>	18 <sup>th</sup> District, Land Lot 214
<b>ACREAGE:</b>	±1.25 acres
<b>EXISTING ZONING</b>	R-75 (Residential Medium Lot - 75) and C-1 (Local Commercial)
<b>PROPOSED ZONING:</b>	C-1 (Local Commercial)
<b>CURRENT FUTURE LAND USE DESIGNATION:</b>	Downtown
<b>OVERLAY DISTRICT:</b>	Downtown Overlay, Village Zone
<b>APPLICANT:</b>	GMC Real Estate Acquisitions, LLC c/o Dennis Webb, Jr.
<b>OWNER:</b>	Debra A. Harden & B and A Ventures, LLC
<b>PROPOSED DEVELOPMENT:</b>	Rezoning from R-75 to C-1 and SLUP to allow a drive-through restaurant
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL</b> of RZ-19-0003 <b>DENIAL</b> of SLUP-19-0006

## PROJECT DATA

The subject site is located at the intersection of Lynburn Drive and Lawrenceville Highway, across from the Cofer Crossing shopping center. The project site currently consists of two primary parcels, one with a two-story building and another with a one and a half story building. Both structures are residential in nature, but have been used commercially in the past. The northern 0.48-acre parcel (4270 Lawrenceville Highway) has a 1,755 square-foot structure built in 1950 and is zoned C-1 (Local Commercial). The southern 0.82-acre parcel (4260 Lawrenceville Highway) has a 1,530 square-foot building that was built in 1937 and is zoned R-75 (Residential Medium Lot -75). Both properties are located in the Downtown Tucker Overlay, Village Zone, which allows office and retail uses by right, regardless of the underlying zoning. The overlay is silent on drive-thru restaurants, which forces the use provisions to be determined by the underlying zoning. The use table in Article 4 states that restaurants with a drive-thru in an activity center in the C-1 zoning district requires a Special Land Use Permit. Staff considers the Downtown Character Area and the Regional Activity Center to be activity centers. Therefore, the applicant is seeking approval of two requests in order to construct a mixed-use commercial development with a restaurant drive-thru on the site.

The first request is a rezoning (RZ-19-0003) from R-75 (Residential Medium Lot – 75) and C-1 (Local Commercial) to C-1 (Local Commercial). While the northern parcel is already zoned C-1 (Local Commercial), the applicant included both parcels with the request so that they would be tied to the same conditions and site plan, if approved. The second request is a Special Land Use Permit (SLUP-19-0006) to allow a drive-through restaurant. The proposed two tenant commercial building is permitted by right.

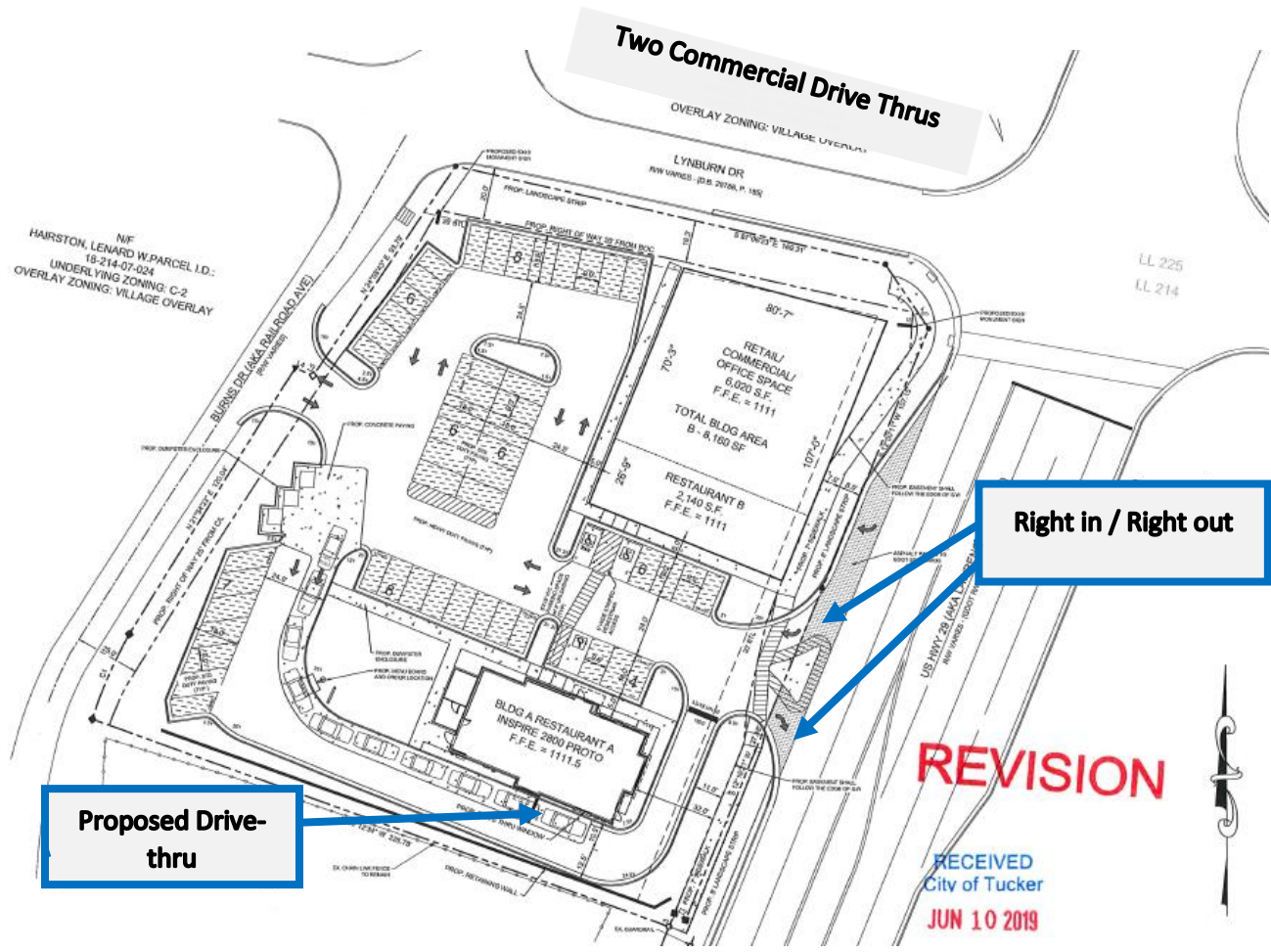


Figure 1: June 10, 2019 Site Plan

The applicant initially proposed a development consisting of a multi-tenant 8,300-square-foot building and a 2,900-square-foot, drive-thru restaurant (March 25, 2019 site plan) on a 1.25-acre property. On May 8, 2019 the applicant requested a deferral of the Planning Commission meeting from May 23, 2019 to June 27, 2019 due to issues regarding potential future improvements to Lynburn Drive and inadequate right-of-way to expand the street for a right-turn lane. The applicant submitted a revised site plan on June 10, 2019 that reduced the 8,300-square-foot building to an 8,160-square-foot building, reduced the drive-thru restaurant by 100 square feet for a 2,800-square foot drive-thru building, and modified the parking layout to accommodate the additional right-of-way that was needed for the intersection improvements.

The site plan (Figure 1) shows ±24.8% of the site is open space, exceeding the minimum 10% required open space for development located in the Downtown Tucker, Village Zone (Table 3.11: Open Space Requirements in Tucker Compatible Use Overlay District). The site plan also depicts right-of-way dedication along Lynburn Drive and Railroad Avenue.

The site plan shows a 7-foot sidewalk and 8-foot landscape strip along Lawrenceville Highway, which complies with the regulations in *Section 3.34.14(3) Streets and sidewalks* for the Downtown Tucker Overlay District. Section 3.34.14(4) requires a ten-foot-wide pedestrian zone consisting of a four-foot-wide landscape zone measured from the back of the adjacent street curb and a six-foot-wide sidewalk

zone along Lynburn Drive and Railroad Avenue; however, the applicant is not showing these improvements on the proposed site plan. Note, the Downtown Tucker Overlay District requires different pedestrian zones based on the road.

**COMMUNITY COUNCIL REVIEW**

On April 10, 2019, the applicant presented the land use petition applications to the Community Council for rezoning from R-75 (Residential Medium Lot - 75) to C-1 (Local Commercial) and a concurrent Special Land Use Permit to allow a drive-thru restaurant. Items discussed included the need for adequate parking, the sidewalks on three frontages, and traffic concerns on surrounding roadways. Additional discussion included whether the applicant would be willing to build the restaurant without the drive-thru component and recent accidents on the surrounding roadways.

**NEARBY/SURROUNDING LAND ANALYSIS & ZONING**

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Current Land Use</b>
Nearby: Northwest	HR-2 (High Density Residential-2) CZ-13-18508	Apartment complex (Hearthside)
Adjacent: North	NS (Neighborhood Shopping) CZ-00114	Mixed-use commercial development, which includes two drive thru's
Adjacent: South	C-2 (General Commercial) CZ-80117	Warehouse / Commercial
Adjacent: East	C-1 (Local Commercial) CZ-96066 – entire shopping ctr.	Cofer Crossing Shopping Center with drive-thru KFC/Taco Bell
Adjacent: West	C-2 (General Commercial)	Commercial & Tucker Post Office

Figure 2: Zoning Map

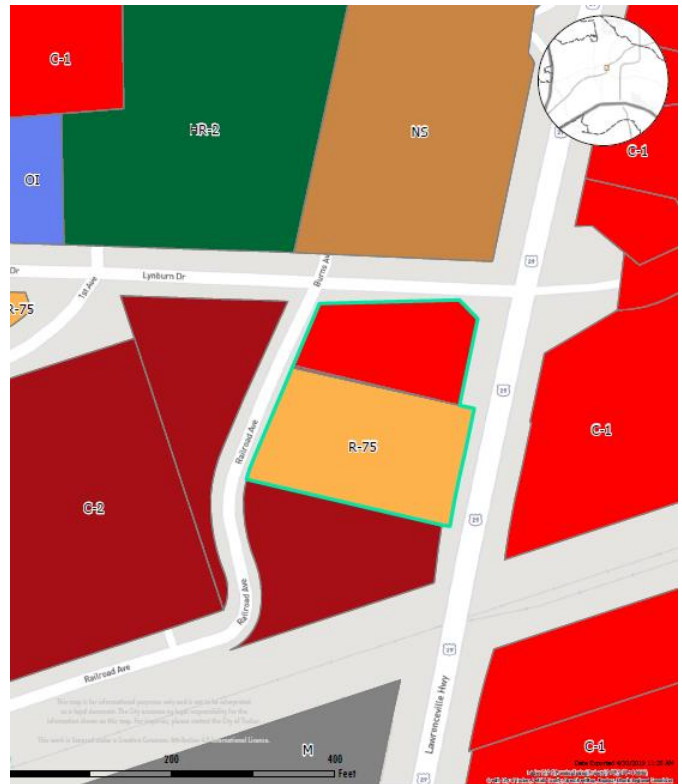


Figure 3: Aerial Map

**CHARACTER AREA (Future Land Use)**

The City of Tucker adopted the new *Tucker Tomorrow* Comprehensive Plan in April 2018 and the property is located within the Downtown Character Area on the future land use map. Character Areas are generally used as a visioning guide for an area that identifies items such as primary land uses, development strategies, and design considerations. Character Areas speak to the adopted vision of the community as it continues to grow and develop over time. The Downtown Character Area encourages the following commercial land uses: retail and service commercial, office, vertical mixed use, and incubator start-ups and shared tenant spaces. One of the development strategies of the Downtown Character Area is to “encourage new development and redevelopment that preserves downtown’s special small-town qualities, keeps Main Street wide and open, and is designed to complement the size and style of Tucker’s older buildings. Staff finds the rezoning proposal consistent with the Tucker Tomorrow Comprehensive Plan; however, the special land use request for a drive-thru is not consistent with the comprehensive plan.

**OVERLAY DISTRICT**

The parcel is also located within the Downtown Tucker Overlay, Village Zone. The intent of the Downtown Tucker Overlay includes “to promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown Tucker area; to design and arrange structures, buildings, streets, and open spaces to create an inviting, walkable, human-scale environment; and to provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel.” The intent of the Village Zone is to “revitalize Main Street and create a well-defined core area for the downtown Tucker area.” “Mixed-use-type development with commercial, residential, and office uses is encouraged to help create the downtown, Main Street atmosphere” and the overlay aims “to incorporate the varying institutional uses such as churches, schools, public buildings, public squares/plazas, and government uses into the character of the district.” The rezoning proposal is consistent with the intent of the Downtown Tucker Overlay, but a drive-thru restaurant does not add to the Main Street atmosphere, create a dynamic development, or add to the walkability of the area.

The Downtown Tucker Overlay Code is currently in the final stages of being rewritten. The proposed code converts the overlay into new special zoning districts. The text amendment for the rewrite and the associated city-initiated rezoning is scheduled for a second read and vote on June 26, 2019. If approved, the subject property will be rezoned to DT-3 (Village Zone). The proposed DT-3 zoning district allows for a commercial development with restaurants, however, restaurants with drive-throughs are prohibited. Staff will note that the applicant submitted their application under the current code and are therefore vested under the current provisions. The applicant is aware of the overlay rewrite and city rezoning and if approved, the applicant intends to request withdrawal of the rezoning request to C-1 (local commercial). The rezoning request was required at the time of submittal as the underlying zoning district does not permit the use as currently zoned. Staff supports the potential withdrawal of the rezoning request as staff supports the new DT zoning districts, as proposed.

## Rezoning (RZ-19-0003)

The applicant is requesting to rezone the south parcel from R-75 (Residential Medium Lot - 75) to C-1 (local commercial). The north parcel is also a part of the rezoning request to C-1 (Local Commercial), even though it is already zoned C-1, as it will allow both parcels to be tied to the same conditions and site plan, if approved.

### **REZONING - CRITERIA TO BE APPLIED:**

Criteria (standards and factors) for rezoning decisions are provided in Section 46-1560 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 subject property is located within the Downtown Character Area which supports commercial developments such as restaurants. Primary land uses include shops and stores, small office buildings, churches, and civic buildings. Staff finds the rezoning proposal consistent with the Tucker Tomorrow Comprehensive Plan.

**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.**

Rezoning to C-1 (local commercial) will allow for a commercial development in an area that is surrounded on three sides by commercial zoned property. The requested C-1 zoning district is suitable in view of the use and development of adjacent and nearby properties. The current R-75 (Residential Medium Lot - 75) zoning is not compatible.

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

The subject property has a reasonable economic use as currently zoned, due to the provisions in the Downtown Tucker Overlay that allow commercial uses regardless of the underlying zoning.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties as the proposed zoning district would allow a compatible development with the surrounding commercial and multi-family uses.

**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 are a part of this rezoning application.

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

The National Register of Historic Places considers structures at least 50 years old to be eligible for protection. One of the structures on the subject site is 69 years old and the other is 82 years old. A 2017 report by Georgia State University Historic Preservation students show that the southern parcel contains a contributing resource. The structure on the northern parcel was cataloged as being non-contributing. While there are no local protections in place to prohibit demolition, adaptive reuse of the contributing structure would more closely align with the intent of the overlay and comprehensive plan.

**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 rezoning to C-1 (local commercial) could cause an excessive and burdensome use of existing streets and transportation facilities if the proposed use creates high traffic volumes. Staff requested that a traffic impact study be done to show the impact from a drive-thru restaurant, but the applicant chose not to submit one.

DeKalb County Watershed Management (DCWM) reviewed and stated, “the SLUP will not increase the flow into our sewers” and further stated, that they, “don’t see any issues with this” proposal. Tucker staff notes that all development approvals are contingent on DeKalb County Watershed Management approval.

The proposal for C-1 has no impact on DeKalb County Schools.



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

There are no known environmental impacts or on-site natural resources.

**STAFF ANALYSIS**

The proposed development meets the intent of the comprehensive plan designation of the Downtown Character Area and the Downtown Tucker Overlay.

The requested rezoning to C-1 is more compatible with the existing zoning and development pattern at this location, creating a more logical pattern of zoning consistent with the nearby commercial development. While in principal the C-1 zoning district is compatible, Staff believes that the city-initiated rezoning for DT-3 is a more appropriate classification.

Therefore, Staff recommends APPROVAL of the requested rezoning should the city-initiated rezoning not be approved by Mayor and City Council on June 26, 2019; or withdrawal of the rezoning request should the city-initiated rezoning be approved on June 26, 2019.



## SLUP-19-0006 DRIVE-THRU

The applicant is requesting a SLUP for a restaurant with a drive-thru configuration. If approved, SLUP's can expire after 12-months if not used. If approved on August 26, 2019, the SLUP will expire on August 26, 2020 unless a building permit or other required approvals are applied for and construction pursuant to such permit is promptly begun and diligently pursued thereafter.

### 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 total site is ±1.25 acres. While the applicant is not seeking any concurrent variances to reduce or waive the provisions of the code, it does not appear that the site can meet the required tree density of 30 units per acre that is required by the Land Development Code. Additionally, the site is over-parked per the intent of the Downtown Tucker Overlay which is to reduce the dependence of automobiles and create more urban, walkable environments.

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

The proposed development is compatible with the land uses and development of adjacent properties. The proposed commercial development will support the office and retail that is existing nearby.

- 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.** No comments.

**Water and sewer.** No comments.

**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.**

A Traffic Impact Study is not required for this application per Section 5.3.4 of the City of Tucker Zoning Ordinance, however, Staff requested a detailed traffic impact study due to concerns regarding the impact that the drive-thru development will have on the adjacent roadways, intersection, and surrounding land uses. The traffic study should provide trip generation estimates based on the latest version of the ITE Trip Generation Manual, trip distributions based on the proposed site plan, existing peak hour turning movement counts at the intersection, future turning movement volumes, level of service analyses, and recommendations for improvements to the intersection and traffic signal at Lynburn Drive and Lawrenceville Highway. The applicant did not comply with staff's request for a traffic impact study.

**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.**

A Traffic Impact Study is not required for this application per Section 5.3.4 of the City of Tucker Zoning Ordinance; however, Staff requested a detailed traffic impact study due to concerns regarding the impact that the drive-thru development will have on the adjacent roadways, intersection, and surrounding land uses. The traffic study should provide trip generation estimates based on the latest version of the ITE Trip Generation Manual, trip distributions based on the proposed site plan, existing peak hour turning movement counts at the intersection, future turning movement volumes, level of service analyses, and recommendations for improvements to the intersection and traffic signal at Lynburn Drive and Lawrenceville Highway. The applicant did not comply with staff's request for a traffic impact study.

**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 property is located at an intersection with known pedestrian and vehicle accidents. There are two access points being proposed: a right in/right out access point on Lawrenceville Highway which is subject to GDOT approval and a full access point on Railroad Avenue. While the proposal reduces the total number of curb cuts on the two properties from three to two, a traffic impact study is needed to determine the exact impact of the proposed use.

**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 development will not generate excessive noise, nor will it emit smoke, odor, dust or vibration. The proposed use includes a commercial building and drive-thru restaurant. OtNo adverse impacts by reason of noise, smoke, odor, dust, or vibration are anticipated.

**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 application states the hours of operation “will have standard hours of operation”. While the property is mostly surrounded by commercially zoned property, there is a high-density residential development located catercorner northwest of the proposed development and staff proposes a condition limiting the hours of operation to ensure compatibility with this nearby residential.

**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 recommended conditions, land uses along Lawrenceville Highway will not be adversely affected by the manner or operation of the development.

**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 drive-thru restaurant complies with the requirements of the C-1 zoning district, however, it does not comply with the Downtown Tucker Overlay District. The drive-thru does not add to the Main Street atmosphere, create a dynamic development, or add to the walkability of the area. Compliance with the Downtown Tucker Overlay district standards assists in improving the vibrancy of the downtown, the economic sustainability and the aesthetics of the area. However, the proposed layout does meet the intent of the Downtown Tucker Overlay by placing the buildings at the street.

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

The proposed development is not consistent with the adopted comprehensive plan. The subject property is designated Downtown on the Future Land Use Map. Downtown primary land uses include retail and service commercial uses provided to the

community. The comprehensive plan primary land uses are silent on specifics such as drive-thru's. Additionally, a drive-thru does not comply with all of the relevant development strategy and design considerations as it does not preserve downtown's special small-town qualities, complement the style of Tucker's older buildings, transform parking, or promote walkability.

**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.**

No transitional buffer zones are required due to the property's location in the Downtown Tucker Overlay.

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

The site plan shows space for dumpster enclosures at the rear of the property to serve the both the drive-thru restaurant and the commercial development.

**N. 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.

**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.**

By complying with the development standards (Sec. 3.34.10) for the Downtown Tucker Overlay District, it is staff's opinion that the building size, mass, and scale will be appropriate in relation to surrounding land uses.

**P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

The National Register of Historic Places considers structures at least 50 years old to be eligible for protection. One of the structures on the subject site is 69 years old and the other is 82 years old. A 2017 report by Georgia State University Historic Preservation students show that the southern parcel contains a contributing resource. The structure on the northern parcel was cataloged as being non-contributing. While there are no local protections in place to prohibit demolition, adaptive reuse of the contributing structure would more closely align with the intent of the overlay and comprehensive plan.

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

The applicant meets the requirements in the supplemental regulations, Sec. 4.2.23 Drive-through facility restaurant below.

**Restaurants with drive-through services shall meet the following requirements:**

- A. Drive-through facilities shall not be located within sixty (60) feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property.**

There is no residential within 60 feet of the subject site.

- B. No drive-through facility shall be located on a property less than ten thousand (10,000) square feet in area. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in Article 6.**

There is stacking for 10 cars in the queue, in compliance with Article 6.

- C. Drive-through lanes and service windows shall be located to the side or rear of buildings. If on a corner lot, only the pickup window may be located on the side between the principal structure and a public street.**

The drive-thru is in compliance as the drive-thru lanes and service windows are located on the side and rear of the building.

- D. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.**

The drive-thru canopy and other structures must comply when the building permit is submitted.

- E. Speaker boxes shall be pointed away from adjacent residential properties. Speaker boxes shall not play music but shall only be used for communication for placing orders.**

The drive-thru speaker boxes must comply when the building permit is submitted.

- F. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten (10) feet wide and twenty-five (25) feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the “pick-up” window).**

The drive-thru is in compliance.

- G. Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through coffee sales facilities, and any other**

**uses with drive-through facilities with the exception of restaurants with drive-through facilities, shall provide three stacking spaces for each window or drive-through service facility.**

Not applicable.

- H. Restaurants with drive-through facilities shall provide ten (10) stacking spaces per lane for each window or drive-through service facility.**

The application is in compliance.

- I. The following general standards shall apply to all stacking spaces and drive-through facilities:**

The application is in compliance.

- a. Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- b. Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- c. All drive-through facilities shall include a bypass lane with a minimum width of ten (10) feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.

- J. Drive-through lanes must be set back five (5) feet from all lot lines and roadway right-of-way lines.**

The proposal is in compliance.

- 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.

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

Starbucks ( $\pm 300$  feet), KFC/Taco Bell ( $\pm 500$  feet), Chick-fil-A ( $\pm 500$  feet) and a Walgreen's drive-thru ( $\pm 800$  feet) are in close proximity to the applicant's location. A fifth drive-thru is located directly to the north of Starbucks, however, it is not currently in operation. As there are already three restaurants with drive-thru configurations being offered in within a quarter-mile of the proposed drive-thru restaurant, staff believes there would be a disproportionate **proliferation** of uses if approved.

- 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.**

**Downtown Tucker Overlay District.** The purposes of the Downtown Tucker Overlay District, among others, are to promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown Tucker area; to design and arrange structures, buildings, streets, and open spaces to create an inviting, walkable, human-scale environment; and to provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel. The proposal is in conflict with the intent of the Downtown Tucker Overlay.

**Downtown Character Area.** As referenced earlier in the report, the proposal is in conflict with the intent of the Downtown Character Area to create a more walkable downtown core and enhance downtown's special small-town qualities.

## **CONCLUSION**

The proposed use is not consistent with the Downtown Character Area or the Downtown Tucker Overlay District. Additionally, the proposed use does not comply with all the Criteria (standards and factors) for special land use decisions provided in Section 7.4.6 of the City of Tucker Zoning Ordinance. As there are already three restaurants with drive-thru configurations less than a ¼ mile from the subject parcel, in addition to two others, staff believes there would be a disproportionate proliferation of uses if approved.

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## STAFF RECOMMENDATIONS

Based upon the findings and conclusions herein, Staff recommends:

1. **APPROVAL of Rezoning RZ-19-0003**
2. **DENIAL of SLUP-19-0006**

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

1. The property should be developed in general conformance with the site plan submitted on June 10, 2019 to the Community Development Department, with revisions to meet these conditions.
2. The open space behind the drive-thru restaurant shall be designed to meet the requirements for enhanced open space. A landscape plan shall be submitted with the Land Disturbance Permit, subject to the review and approval of the Community Development Director.
3. The storefront for the tenant space on the northeast corner of the site shall integrate a prominent entry feature and building design that activates the corner, with an entrance oriented toward the intersection.
4. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip between the drive-thru restaurant and Lawrenceville Highway to screen the appearance of the drive-thru lane from the street.
5. Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.
6. Speaker boxes shall be pointed away from adjacent residential properties. Speaker boxes shall not play music but shall only be used for communication for placing orders.
7. The drive-thru establishment shall close no later than 10:00 p.m.
8. Prior to issuance of the Land Disturbance Permit, the two parcels shall be combined in accordance with the provision of Chapter 22 of the Code of Ordinances.
9. The Special Land Use Permit shall be able to be transferred to another business, subject to the review and approval of the Community Development Director.

10. The development shall be limited to one (1) full access entrance on Railroad Avenue and one (1) right in/right out only driveway on Lawrenceville Highway. The location of said entrances is dependent on adequate spacing and sight distance, and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.
11. Owner/Developer shall install seven foot (7') wide sidewalk with an eight foot (8') wide landscape strip along the entire frontage of Lynburn Drive and Lawrenceville Highway.
12. Owner/Developer shall install a deceleration lane into the proposed driveway on Lawrenceville Highway, subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.
13. Owner/Developer shall dedicate along the entire frontage of Lawrenceville Highway additional right-of-way or sidewalk easement to the back of the proposed sidewalk, at no cost to the City of Tucker.
14. Owner/Developer shall provide detention, water quality, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.
15. 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 thirty (30) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.
16. Water and sewer approval are required by the DeKalb County Department of Watershed Management.
17. Developer shall install some form of green stormwater infrastructure, subject to review and approval during the Land Development Permit process.

**DEPARTMENT COMMENTS**

**DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT**

No comments.

DEKALB COUNTY FIRE MARSHAL OFFICE

No comments.

DEKALB COUNTY SCHOOL SYSTEM

Not applicable.

LAND DEVELOPMENT

1. Curb cut locations and alignments are subject to an approved sight distance plan and the approval of the City of Tucker.
  - a. Ensure that the R/W is cleared of all obstructions that may limit the sight-distance of the driver. This includes at a minimum all trees and/or shrubs and fencing. Coordinate all improvements in the R/W with the City of Tucker and DeKalb County.
  - b. Line of sight must remain entirely in the right-of-way. Additional right-of-way or a permanent easement may need to be dedicated to meet this requirement.
  - c. 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.
2. ADA compliant sidewalks are required along the frontages of Railroad Avenue, Lynburn Drive, and Lawrenceville Highway. The elimination of sidewalk and curb & gutter along Railroad Avenue should be considered if the Owner/Developer pays an amount equal to the cost of construction into the City's sidewalk fund.
3. The submitted topographic survey does not extend to 200' beyond the property boundary as required in the rezoning application.
4. Additional right-of-way is required along Railroad Avenue due to its existing substandard width.
5. Additional right-of-way is required along Lynburn Drive due to its existing substandard approach width and the need to make future intersection improvements at the intersection approach to Lawrenceville Highway.
6. All improvements within the right-of-way of Lawrenceville Highway require the approval of the Georgia Department of Transportation.
7. Development plans shall meet all the requirements of the City of Tucker Development Regulations, Tree Protection, Erosion & Sedimentation Control, Floodplain, and Stream Buffer Ordinances prior to the issuance of a Land Disturbance Permit.
8. Water and sewer approval is required by the DeKalb County Department of Watershed Management.