



Land Use Petition: SLUP-17-001

Date of Staff Recommendation Preparation: April 17, 2017

Community Council: March 8, 2017

Planning Commission: April 27, 2017

Mayor and City Council, 1st Read: May 8, 2017

Mayor and City Council, 2nd Read: May 22, 2017

PROJECT LOCATION:	2150 and 2152 Northlake Parkway
DISTRICT//LANDLOT(S):	Land District 18, Land Lot 218
ACREAGE:	1.67 (two parcels)
EXISTING ZONING	C-1 (Local Commercial District)
EXISTING LAND USE	1-story commercial building (formerly Steak & Ale) and parking lot
FUTURE LAND USE MAP DESIGNATION:	Regional Center
OVERLAY DISTRICT:	Northlake Overlay District (Sec. 27.3.3 zoning ordinance), Tier 1. The Northlake Overlay design guidelines dated May 2008 are applicable (Sec. 27.3.35.24 zoning ordinance).
APPLICANT:	Northlake Senior Apartments Limited Partnership
OWNER:	Tarek Real Estates LLC
PROPOSED DEVELOPMENT:	Senior apartments (90 units @ 60 units per acre) (45 one-bedroom and 45 two-bedroom) in one building consisting of four stories with parking underneath at ground level
STAFF RECOMMENDATION:	Approval, Conditional

SUMMARY OF REQUEST

Application materials submitted to the City of Tucker include: the original application with survey, topography, and site plan received February 27, 2107; and revisions to the application received March 30, 2017, based on city staff comments. The site plan was revised to: show no access onto Rockwood Road; indicate open space and show outdoor recreation areas; change architectural finish from cement board to cement stucco and add masonry finish to the base of the proposed round entry building;

Within the Northlake Overlay District (within which the subject property is located), multi-family residential is permitted outright and if a density of more than 25 dwelling units per acre is proposed, it requires a special land use permit (Sec. 3.35.8.D.8 zoning ordinance). Accordingly, the applicant requests a Special Land Use Permit for multi-family dwellings exceeding 25 units per acre in Tier 1 of the Northlake Overlay District. Tier 1 allows a density up to 60 units per acre.

COMMUNITY COUNCIL REVIEW

Major items discussed at Community Council included traffic, Rockwood Road, and access on Northlake Parkway. The Community Council supports this project so long as the access issues with Rockwood Road and Northlake Parkway are resolved.

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Overlay District	Existing Land Use
Adjacent: North (2166 Northlake Parkway)	C-1 (Local Commercial)	Northlake, Tier 1	Commercial
Adjacent: East (across Northlake Pkwy) (4272 Lavista Road)	C-1 (Local Commercial)	Northlake, Tier 1	Commercial
Adjacent: East (across Northlake Pkwy)	OI (Office-Institutional)	Northlake, Tier 2	Shopping center (under construction) (“Tucker Meridian”)
Adjacent: South (4234 and 4246 Lavista Road)	C-1 (Local Commercial)	Northlake, Tier 1	Commercial (including Waffle House)
Adjacent: West			Rockwood Road and Interstate 285



Aerial Image of Site and Vicinity

ZONING PURPOSES AND CODE REQUIREMENTS

C-1 zoning district. The purposes of the C-1 zoning district, among others, are to provide convenient local retail shopping and service areas with an auto orientation but also to facilitate pedestrian oriented development (Sec. 27-2.26.1 zoning ordinance).

Northlake overlay district generally. The purposes of the Northlake Overlay District, among others are to encourage development and redevelopment of properties within the district so as to achieve a mixed-use community; to provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobile travel; to enhance the long-term economic viability of this portion of Tucker by encouraging new commercial and residential developments; and to establish and maintain a balanced relationship between industrial, commercial, and residential development, including support for higher density housing (Sec. 27-3.35.3 zoning ordinance).

Tier 1 Northlake overlay. The subject property is within Tier 1 of the Northlake Overlay District. Tier 1 is described as a “high-intensity commercial area focused around the intersections of Lavista Road with Briarcliff Road, Henderson Mill Road, and Northlake Parkway, and including Northlake Mall and around the Northlake Tower Festival Center.” Dwellings, multifamily, up to and including twenty-four (24) units per acre, are permitted in the Northlake Overlay District, subject to the requirements of the development categories as described within section 3.35.9 of the Tucker zoning ordinance (Sec. 3.35.5) . Dwellings, multifamily, over twenty-five (25) units per acre, require a special land use permit (Sec. 3.35.8). This application has been filed to allow a density of 60 multifamily dwelling units per acre, the maximum density permitted in Tier 1 of the Northlake Overlay District (Sec. 3.35.9).

The maximum height of buildings in Tier 1 of the Northlake Overlay District is fifteen (15) stories and one hundred eighty (180) feet in height. In Tier 1, a minimum ten-foot-wide pedestrian zone and a minimum five-foot-wide street furniture zone are required (Sec. 3.35.10). Street furniture (Sec. 3.35.11) and street trees (Sec. 3.35.12) are also required along the road frontage. A minimum of twenty (20) percent of the gross land area shall be provided as public space for each new development (Sec. 3.35.13).

Multifamily residential uses in the Northlake Overlay District require a minimum of one space per unit for the first bedroom, plus 0.50 space per additional bedroom (Sec. 3.35.16). The proposed development will require 112.5 (113) parking spaces.

Architectural controls are specified (Sec. 3.35.17), and development must also comply with the Northlake Overlay design guidelines (Sec. 3.35.24). These include but are not limited to requirements to design each building so that the main entrance and front facade faces the public street, as well as the screening of all parking and service areas from view from the street with buildings, landscaping, walls or decorative fencing. The Community Development Director may require landscape strips where warranted (Sec. 3.35.18). Multimodal access plans are also required (Sec. 3.35.19).

All curb cuts shall comply with the Northlake Overlay design guidelines (Sec. 3.35.24) and all other applicable requirements of this Code and state law (Sec. 3.35.22). Common or joint driveways are encouraged.

SITE PLAN REVIEW

Building size and location: A 91,325 square foot building is proposed. The circular building front is located a maximum of 20 feet from the Northlake Parkway right of way. The rear building setback is 20 feet.

Access and parking: The site plan indicates a curb cut onto Northlake Parkway. Additional right of way along Northlake Parkway is proposed to be dedicated. Inter-parcel access is provided to the properties to the south. No access from the subject development site will be permitted directly onto Rockwood Road (the site plan was revised to incorporate this recommendation), although residents of the development could still use Rockwood Road via the inter-parcel access. Parking is proposed mostly underneath the building. The site plan indicates that 114 parking spaces are provided (112 required). There are five handicapped parking spaces which meets requirements. The trash receptacle is located at the rear of the site with adequate loading space. The trash receptacle is proposed to be enclosed as required.

Landscaping: The site plan incorporates 5' wide landscape strips along the rear and side property lines, as well as landscaping in the front of the building.

Streetscape: A 10' wide sidewalk and 5' wide furniture zone are shown on the site plan, along with a proposed bike rack.

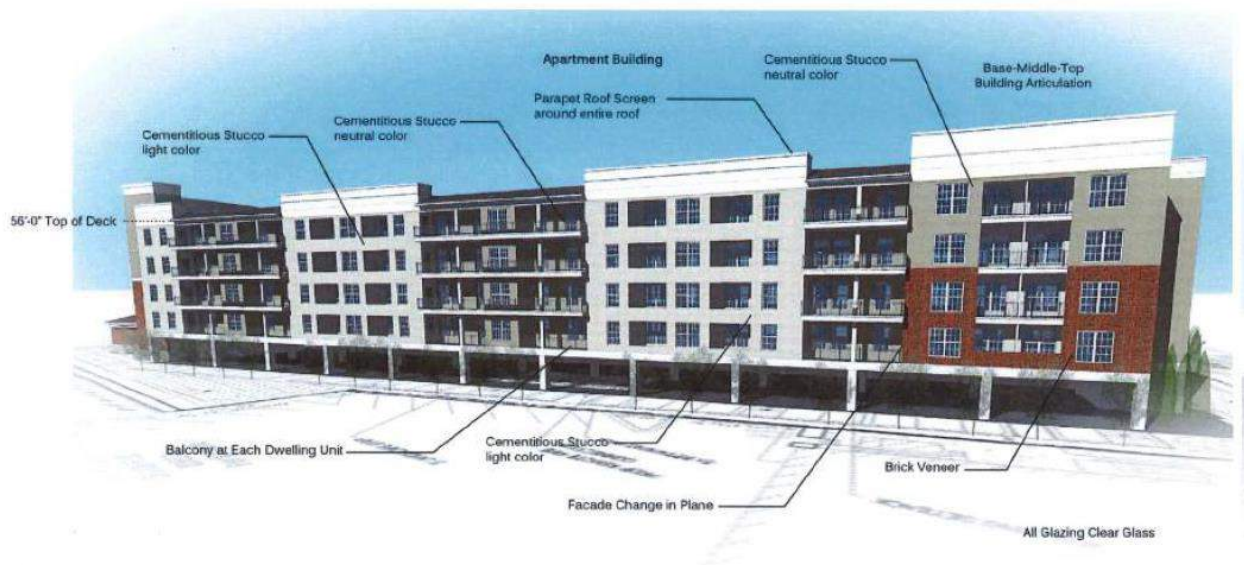
Open space: The site plan shows a proposed garden area (1,720 square feet) at the north central portion of the site, a bocce court/activity area (845 square feet) at the northeast corner of the site, and a proposed dog park (1,790 square feet) between the building and the western property line at the rear of the building. A total of 24% of the site is dedicated to public open space.

Stormwater management: An underground detention pond is proposed, underneath the surface parking and driveway

ARCHITECTURAL ELEVATIONS



Architectural Elevation of Buildings (Front – from Northlake Parkway)



Architectural Elevation -- Side

CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT

Criteria (standards and factors) for special land use decisions are provided in Section 7.4.6 of the City of Tucker Zoning Ordinance. Supplemental use regulations are outlined in Article 4, Division 2 of the 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.

Development standards in Tier 1 of the Northlake Overlay District include the following (Sec. 3.35.9.A except as noted):

Development Standard	Specific Requirement	Compliance Demonstrated by Site Plan Submitted?
Front building setback	Minimum zero, maximum 20 feet	Yes
Side and rear setbacks	20 feet	Yes
Maximum building height	15 stories/180 feet	Yes
Use distribution	If mixed-use development, at least 2 principal uses	N/A
Maximum residential density	60 units per acre	Yes
Sidewalks (Sec. 3.35.10)	Minimum 15 feet wide, including a 10' pedestrian zone and a 5' street furniture zone	Yes
Street trees (Sec. 3.35.12)	Min. 3.5" caliper planted 30' on center planted, 2.5' behind curb	Not required to be demonstrated at this time
Minimum public space (Sec. 3.35.13).	20% of gross land area (13,068 square feet required)	Yes, 24% per public space plan
Minimum parking spaces, multi-family residential uses (Sec. 3.35.16)	1 space per unit for the first bedroom, plus one-half (0.50) space per additional bedroom (112 required, 114 provided)	Yes
Architectural requirements (visible building facades) (Sec. 3.35.17)	brick, stone, or cement stucco or other equivalents	Yes
Minimum landscape strips required (width), side, rear and front (Sec. 3.35.18)	5 feet	Yes
Parking lot landscaping (minimum area required) (Sec. 3.35.18)	10% of parking lot interior	Yes, parking lot islands for trees incorporated in surface portion
Multi-modal access (Sec. 3.35.19)	Plan required no later than time of development permit	Not yet submitted. Bike rack shown; sidewalk provided; transit stop in vicinity
Multi-family facing street (Sec. 3.35.23)	Entrances with a stoop or porch between the sidewalk and the building façade are required with sidewalk connecting all ground floor entrances to the public sidewalk	Yes

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

The proposed apartment development is considered compatible with the land uses and development of adjacent properties (meets standard).

C. Adequacy of public services, public facilities, and utilities to serve the proposed use.

1. **Schools.** No impact.
2. **Stormwater management.** On-site, underground.
3. **Water and sewer.** The applicant has submitted their capacity letter from DeKalb County. The letter, dated January 6, 2017, states that “due to the fact that your proposed senior apartments reduce the existing sewer flow by 4,600 GPD, approval to proceed with the project has been granted with regards to sanitary sewer capacity.”

Facilities and utilities are considered adequate (meets standard).

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.

Additional right of way is proposed to be dedicated to the city along Northlake Parkway. No direct access from the site onto Rockwood Road will be permitted, given it connects with Lavista Road very close to the entrance ramp onto I-285 (can meet standard with conditions).

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.

The abutting commercial uses to the south, which will share access, will not be adversely affected by the proposed development (meets standard).

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.

Fire personnel have reviewed the site plan and find it acceptable. Inter-parcel access to/from properties to the south is provided (meets standard).

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. Therefore, no adverse impacts on adjoining land uses are anticipated (meets standard).

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 proposed residential development will not be restricted as to the hours of activity, though as a residential development activity will mostly cease at night. The leasing office will not be open after normal business hours (meets standard without additional restriction).

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.

No adverse impacts are anticipated (meets standard).

J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed development can comply with the Northlake Overlay District Tier 1 requirements (meets standard)

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

Staff considers the proposed development to be consistent with the adopted comprehensive plan (meets standard).

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.

Transitional buffers are not required since the subject lot lies interior to tier 1 overlay district boundaries (not applicable)

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

A dumpster pad is shown at the rear of the site with adequate loading area (meets standard).

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 (not applicable).

O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The proposed apartment building is well below the maximum height limitations (meets standard). If constructed the building will not be out of character or scale or size with other buildings in the vicinity (meets standard)

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

There are no known historic buildings, sites, districts or archaeological resources on the subject properties. Therefore, no adverse effects are anticipated (meets standard).

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

There are no supplemental use regulations applicable (not applicable).

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.

A shadow effect is unlikely given the height is limited to five stories (meets standard).

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

Multi-family dwellings are permitted in the Northlake Overlay District. While an official density study has not been performed, Staff has analyzed the density of multi-family apartments in the vicinity and has found the proposed number of units in the northeast quadrant of Lavista and 285 is consistent with that in the northwest and southwest quadrants. The proposed development is considered consistent overall with recommendations of the Northlake Overlay District (meets standard).

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.

As indicated by the applicant, according to the Comprehensive Plan's Future Land Use Map, the Development falls within the Regional Center land use category. The Regional Center aims for a concentration of regionally-marked commercial and retail centers, office and employment areas, higher-education facilities, recreational complexes and higher density housing. No conflicts with the comprehensive plan or with the needs of the neighborhood have been identified (meets standard).

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **CONDITIONAL APPROVAL** of Land Use Petition **SLUP-17-001**. If approved, it should be approved **CONDITIONAL**, subject to the following conditions. Such conditions shall be complied with prior to the issuance of any building permit, unless otherwise specifically noted:

1. Use of the subject property shall be limited to a 90-unit multi-family development (60-units per acre).
2. The property should be developed in general conformance with the site plan submitted on March 30, 2017 to the Community Development Department, with revisions to meet these conditions.
3. The brick cladding that wraps around the corners of the front elevation shall be continued down the entire length of the north and south elevation, as well as the rear elevation. The brick cladding shall cover the first and second floor of dwelling units, at a minimum.
4. Owner/Developer shall combine 2150 and 2152 Northlake Parkway through the minor plat process with the City of Tucker.

5. Owner/Developer shall remove the parking spaces on the portion of property that is being transferred to 4246 Lavista Road during the LDP process in order to not create a parking lot island with no access to the parking spaces.
6. Owner/Developer shall remove the existing pole signs. Replacement, at the discretion of the owner/developer, shall comply with the Northlake Overlay standards.
7. Interparcel connectivity to the south shall be required due to fire access. Owner/Developer shall record and install the interparcel access easement and connection during the LDP process. No building permit shall be obtained until the interparcel connection is installed and inspected by the DeKalb County Fire Department.
8. Owner/Developer shall have a maximum of one (1) full access driveway on Northlake Parkway. 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.
9. No curb cut shall be allowed to Rockwood Road. Owner/Developer shall remove any of the existing asphalt roadway of Rockwood Road abutting this property.
10. Owner/Developer shall construct a minimum fifteen foot (15') wide streetscape along the entire frontage of Northlake Parkway, which includes a minimum ten foot (10') wide pedestrian zone and a minimum five foot (5') wide street furniture zone.
11. Owner/Developer shall dedicate at no cost to the City of Tucker additional right-of-way along Northlake Parkway to accommodate all required road improvements. Future right-of-way shall be a minimum of seventeen feet (17') from back of curb or two feet (2') from back of sidewalk, whichever is greater.
12. Owner/Developer shall construct ADA compliant internal sidewalks that will provide pedestrian connectivity from the senior housing to the sidewalk along Northlake Parkway.
13. 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.
14. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection. A minimum tree density of 30 units/acre shall be required.

DEPARTMENT COMMENTS**ARBORIST**

Site must meet approval of the city of Tucker tree ordinance.

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

Applicant has obtained "Letter Showing Sewer Capacity."

DEKALB COUNTY FIRE MARSHAL OFFICE

The project at 2150 Northlake Parkway appears to meet all the requirements that were discussed. The only item that must be confirmed is the access from the adjacent parcel. We will need the access to be secured and guaranteed prior to permitting of the project.

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.
2. 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.
3. Owner/Developer shall provide ADA compliant pedestrian access from the building frontage to the sidewalk along Northlake Parkway and to the adjacent property to the south.
4. All stormwater detention, water quality, and channel protection shall comply with the Georgia Stormwater Manual.
5. 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.
6. Water and sewer approval is required by the DeKalb County Department of Watershed Management.