



# City of Tucker

**Land Use Petition:** RZ-24-0003

**Planning Commission:** August 15, 2024

**Mayor and City Council, 1<sup>st</sup> Read:** September 9, 2024

**Mayor and City Council, 2<sup>nd</sup> Read:** October 15, 2024

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<b>PROJECT LOCATION:</b>	6430 Lawrenceville Highway
<b>APPLICATION NUMBER</b>	RZ-24-0003
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 256
<b>ACREAGE:</b>	1.895 acres (combined)
<b>EXISTING ZONING</b>	C-1 (Local Commercial); CZ-78073, CZ-80003, CZ-92051
<b>EXISTING LAND USE</b>	Vacant building
<b>PROPOSED ZONING</b>	C-1 (Local Commercial)
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	Gloria M. Gutierrez
<b>OWNER:</b>	Iglesia Bethesda, Inc.
<b>PROPOSED DEVELOPMENT:</b>	Major modification of existing conditions (land use petition case CZ-92051) to allow for a place of worship
<b>STAFF RECOMMENDATION:</b>	<b>Approval with conditions of RZ-24-0003</b>

## Project Data and Background

The applicant is requesting a major modification to a condition of zoning placed on the property in 1992. On September 22, 1992, the DeKalb County Board of Commissioners approved land use petition CZ-92051 to rezone the property from OD and OI to C-1 (Local Commercial) with the condition that the property would be developed for a veterinary clinic. The applicant is petitioning to modify the condition of zoning to allow a place of worship, which is a permitted use by right in the C-1 zoning district.

The subject property is located along the DeKalb/Gwinnett County line and partially extends into unincorporated Gwinnett County. It has approximately 50' of road frontage along Lawrenceville Highway in Gwinnett County and approximately 40' of road frontage along Mountain Industrial Boulevard, inside the city of Tucker boundary. The entire building is located within the city of Tucker, which means we are the governing authority for the zoning use of the property. The portion of the property within Gwinnett County is also zoned C-1.

The building is currently vacant, and there are no records of an active Occupational Tax Certificate (OTC) for a business on the property since the city incorporated. The last known veterinary clinic at the location was DeKalb-Gwinnett Animal Emergency Clinic. Iglesia Bethesda, Inc., purchased the property in May of 2023 with the understanding that a major modification would be required for the place of worship. The previous sale of the property, in July of 2020, includes a deed restriction that prohibits the property from being used as a "veterinary clinic, veterinary hospital, or a veterinary medical practice or related veterinary practice" for a period of "fifteen years" or "for so long as Covenantee, including its affiliates, successors and assigns operates a veterinary hospital on the certain real property located at 4985 Lawrenceville Highway, City of Lilburn, Georgia 30047."

The vacant building is 3,616 square feet. The applicants are not proposing any structural changes to the exterior façade, only aesthetic improvements to the property. The interior of the building will undergo necessary renovations for a place of worship (i.e., assembly room, audio/visual room, restrooms, office space, etc.), once a commercial building permit is obtained from the city. There are currently no other proposed changes to the existing site, such as altering the existing impervious surface coverage or encroaching within the 50' transitional buffer where the property abuts residentially zoned properties to the west and south.



*Figure 1. Building elevation photos (submitted by applicant).*

The proposed assembly room is 1,456 square feet, with 124 removeable seats. Per code Section 46-1452, the applicant would be required to provide a minimum of 31 parking spaces for the place of worship. Since the existing parking lot is only able to accommodate approximately 26 parking spaces, the applicant entered into a shared parking agreement with the neighboring property at 2922 Mountain Industrial Boulevard – currently, Don Pedro’s Mexican Food – to allow for up to ten (10) shared parking on days of service: Wednesdays from 8:00pm to 10:00pm, Fridays from 8:00pm to 10:00pm, and Sundays from 11:00am to 1:00pm. An additional shared parking agreement with The Fitting Academy (6414 Lawrenceville Highway) is also in place. The applicant expressed interest in possibly reorienting or expanding the parking lot of the subject property in the future to accommodate the minimum number of required parking spaces in the current code. Shared parking is permitted per Section 46-1453.

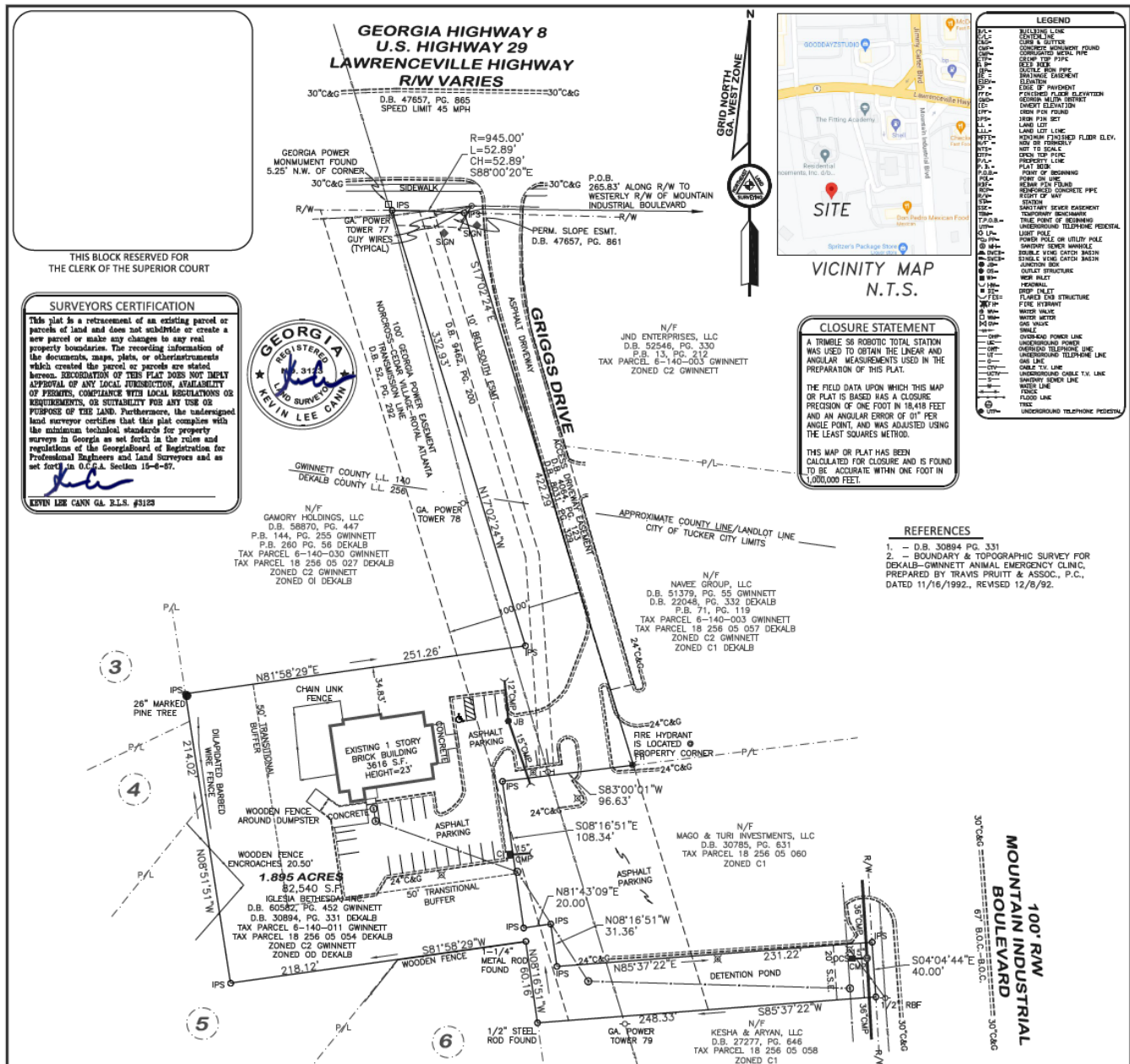


Figure 2. Site plan.

**CHARACTER AREA (Future Land Use)**

The subject parcel is in the Commercial Redevelopment Corridor (CRC) character area on the Future Land Use Map. Primary Land Uses in the Commercial Redevelopment Corridor Character Area include retail/service commercial, office, townhome and mixed-use commercial/residential.

Development strategies for the Commercial Redevelopment Corridor Character Area are designed to foster redevelopment with a mix of uses and improved aesthetics. Design considerations call for encouraging inter-parcel access and a reduction in the total number of curb cuts, and encouraging a reduction in space allocated to parking.

**PUBLIC PARTICIPATION PLAN REPORT**

The applicant held a neighborhood meeting held at the property on November 14, 2023. No members of the public attended the meeting. The applicant was on-site from 6:00pm to 6:30pm.

**NEARBY/SURROUNDING LAND ANALYSIS**

Adjacent & Surrounding Properties	Zoning	Existing Land Use
Adjacent: North	OI	Office-use
Adjacent North (across Lawrenceville Hwy.)	Gwinnett County	Gwinnett Crossings shopping center (Home Depot)
Adjacent: East	C-1	Office-/medical-use
Adjacent: East	MZ	Restaurant (Don Pedro’s)
Adjacent: South	R-75	Single-family home
Adjacent: West	R-75	Single-family home

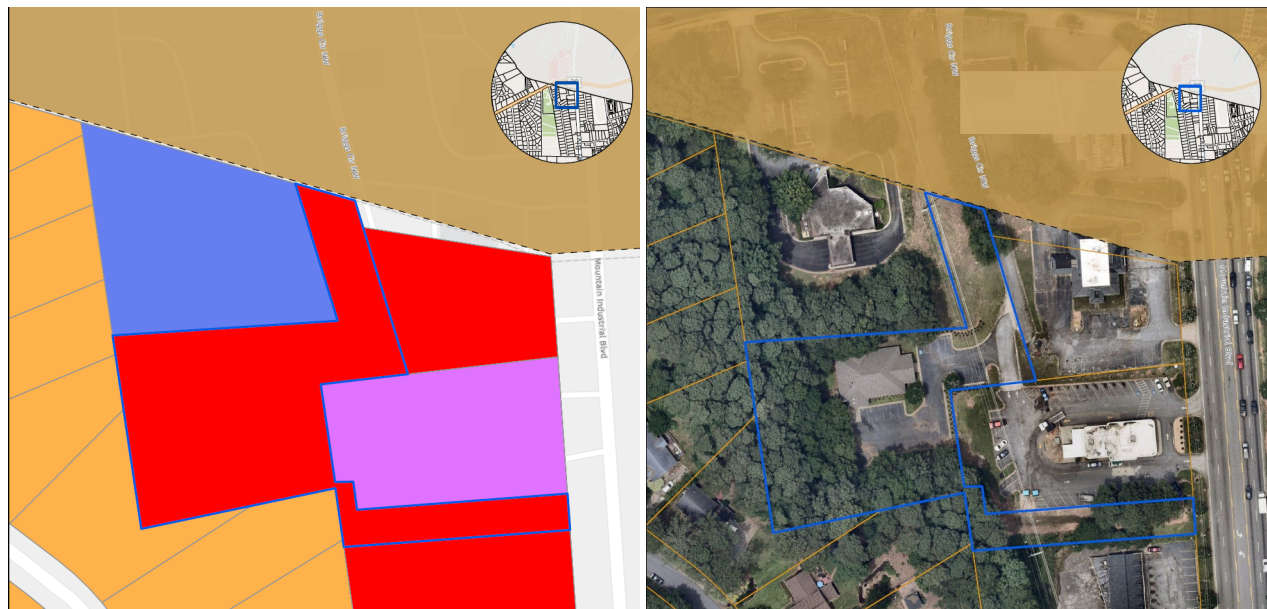


Figure 2. Zoning Map and Aerial Image.

**Rezoning (RZ-24-0003)**

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.

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

The proposed zoning modification meets the policy and intent of the city's comprehensive plan. The CRC character area calls for enhancing the mix of uses and appearance of existing older commercial buildings with façade improvements; it also encourages inter-parcel access and reduced parking. No other places of worship exist within the near vicinity of this parcel within the city. While there are no exterior façade improvements or other side improvements proposed or required at this time, the applicant is proposing to clean up and occupy a currently vacant site. The applicant is proposing no new curb cuts, and although the applicant may seek to later expand the existing parking area by right, in accordance with dimensional requirements in Sec. 46-702, the current proposal includes a shared parking agreement which would result in no new parking on site.

**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.**

Properties to the north and northeast are both office-uses; the property to the east is a restaurant, and properties to the west and south, separated by a 50' transitional buffer, are residential. A place of worship in the existing building is compatible with each of the surrounding properties and is permitted by right in the C-1 zoning district. The 50' buffer is required to be maintained under Sec. 46-1338, which will continue to provide separation between the commercial use and abutting residential properties.

**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 the C-1 zoning district, but the conditions of zoning and deed restriction prevent any economic use of the property.

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

The proposed modification of zoning conditions will not adversely affect the existing use or usability of adjacent or nearby properties. Places of worship are allowed by right within the C-1 district, so there will be no impact to the surrounding residential or commercial parcels.

**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.**

No other existing or changing conditions affecting the use of the property are known; lack of an active OTC at the property since the city's incorporation could indicate the site is no longer optimal for a veterinary clinic.

**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 modification will not result in excessive or burdensome use of existing streets, transportation facilities, utilities, or schools, as no new development is proposed. The site and surrounding roads can sustain the anticipated flow of traffic to the site which, as a place of worship, will be concentrated on Sundays and certain other days and times of the week.

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

The proposed zoning will not adversely impact the environment or surrounding natural resources as no new development is proposed.

**CONCLUSION**

Staff finds that the proposed zoning modification to remove the use restriction of a veterinary clinic and allow a place of worship aligns with the surrounding land uses, intent of Chapter 46, and the Commercial Redevelopment Corridor character area.

Therefore, Staff recommends **APPROVAL WITH CONDITIONS**.

**Staff Recommendation**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-24-0003**.

1. The use of the subject property shall be limited to those uses authorized by right for the C-1 zoning district in Sec. 46-1125 of the Tucker Zoning Ordinance.
2. The existing chain link fence in the rear yard shall be removed before the issuance of the Certificate of Occupancy. New walls or fences, if constructed, shall comply with Sec. 46-1340.
3. A commercial building permit shall be obtained from the Community Development Department before any alterations are made to the building.
4. A sign permit shall be obtained from the Community Development Department before any signage is installed on the property.
5. Any future expansion of the parking area shall be paved in a dust-free, all-weather material such as asphalt, concrete, or pervious pavers in accordance with Sec. 46-1459 of the Tucker Zoning Ordinance, as well as all other site requirements.