



City of Tucker

Land Use Petition: SLUP-24-0004 and CV-24-0006

Planning Commission: September 19, 2024

Mayor and City Council, 1st Read: October 15, 2024

Mayor and City Council, 2nd Read: November 12, 2024

PROJECT LOCATION:	4419 Cowan Road
APPLICATION NUMBERS:	SLUP-24-0004 and CV-24-0006
DISTRICT/LANDLOT(S):	Land District 18, Land Lot 214
ACREAGE:	1.53 acres
EXISTING ZONING	DT-2 (Downtown Corridor Zone)
EXISTING LAND USE	Downtown
FUTURE LAND USE MAP DESIGNATION:	Downtown
OVERLAY DISTRICT:	N/A
APPLICANT:	Kevin Maher, Placemaker Design
OWNER:	E. Cowan Properties, LLC
PROPOSED DEVELOPMENT:	Special Land Use Permit to allow a multi-family use adjacent to a residential zoning district (office to multifamily conversion)
STAFF RECOMMENDATION:	Approval with conditions of SLUP-24-0004 and CV-24-0006

PROJECT DATA

The applicant is requesting a Special Land Use Permit (SLUP) to allow for a multi-family development adjacent to a residential zoning district. The applicant seeks to convert an existing office building on the subject property into a 36-unit multi-family development (23.5 u/a). Multi-family developments of 24 units per acre or less are allowed by right in the DT-2 zoning district, but because the property abuts residentially zoned properties along the eastern property line, a SLUP is required.

The site is currently developed as a vacant office building and surface parking lot. The office building is a 29,352 sq. ft., 3-story office building that was constructed in 1974 and updated in 1992. The property is fully developed and is accessed via two access points on Cowan Road. The subject property is bounded to the north by Cowan Road, and to the west by a narrow strip of buildings along Hanfred Lane. Located east of the subject property is Enzo's Pizza at 4437 Cowan Road, and four residential parcels on Dillard Street that are zoned R-75 (Residential Medium Lot – 75). Based upon the parcel configuration, three of the residential units appear to be duplexes, although this is not evident from the street. To the south is an extension of the business along Hanfred Lane, but in the R-75 zoning district.

An adaptive reuse project is planned for the existing three story (approximately 32' tall) office building. The request is to retrofit the building for a total of 36 multi-family residential units. The applicant is also proposing to modify the existing hard-coat stucco exterior, including the use of additional hard-coat stucco infill around windows. Because exterior facades in the Downtown Special Zoning Districts must be "faced in brick, natural or synthetic stone, or painted wood/cementitious clapboard," a concurrent variance is required for the use of additional stucco. The existing stucco is considered legal non-conforming, but non-conforming elements cannot be expanded without a variance.

In discussions with the applicant, the unit breakdown of the 36 units will include approximately fifteen one-bedroom apartments, approximately twenty-one two-bedroom apartments, and a lobby with a package room and mailbox. An existing dumpster enclosure is located near the northern portion of the parking lot and may need to be updated to meet current zoning requirements. The applicant is not proposing any three-bedroom units, indoor or outdoor amenities, nor is the applicant proposing any major changes to the site plan or existing surface parking lot.

New buildings in the Downtown zoning districts that are adjacent to public streets require a primary pedestrian entrance facing the street in order to promote active storefronts and walkability. The primary pedestrian entrance on this office building faces the interior drive aisle. The building elevation that faces Cowan Road contains only a plain service door. The staff recommends updating the Cowan Road elevation to meet the spirit of the regulation, such as a flat canopy over the door and more glazing in the door surround.

The submitted site plan shows approximately 19,119 sq. ft. of open space (28% of the site). Also shown on the site plan are the existing 70 parking spaces, which exceeds the minimum required 36 spaces (minimum one space per unit). The site includes a dumpster and enclosure. Due to construction fencing, staff was unable to closely examine the enclosure to verify compliance with zoning regulations. Sec. 46-990 – Building Form and Design (Downtown) includes the following requirements for dumpster enclosures in the Downtown zoning districts: "Dumpsters must be screened on three sides by a wall at least eight feet high and on the fourth side by a solid gate at least eight feet high."

USE ANALYSIS AND DEVELOPMENT PERMISSIONS

The subject property is located within the DT-2 (Downtown Corridor Zone) zoning district. The intent of the Downtown Zoning Districts is to promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in downtown Tucker, to create a walkable environment and provide a variety of housing types and promote mixed-income residential opportunities, and, within the DT-2 district, to encourage multi-family housing or townhouses. This small-scale adaptive reuse project is less than 1,000 feet from Segment 3 of the City Multi-Use Trail. Currently under design, the trail will provide improved walkability to the downtown area from the development.

CHARACTER AREA (Future Land Use)

The subject parcel is in the Downtown Character Area on the Future Land Use Map. Primary Land Uses in the Downtown Character Area include single-family residential, townhomes, lower density multi-family including apartments and condominiums (such as this project), senior living, mixed-generation development, retail and service commercial uses, office, vertical mixed use, incubator start-ups and shared tenant spaces, and civic uses.

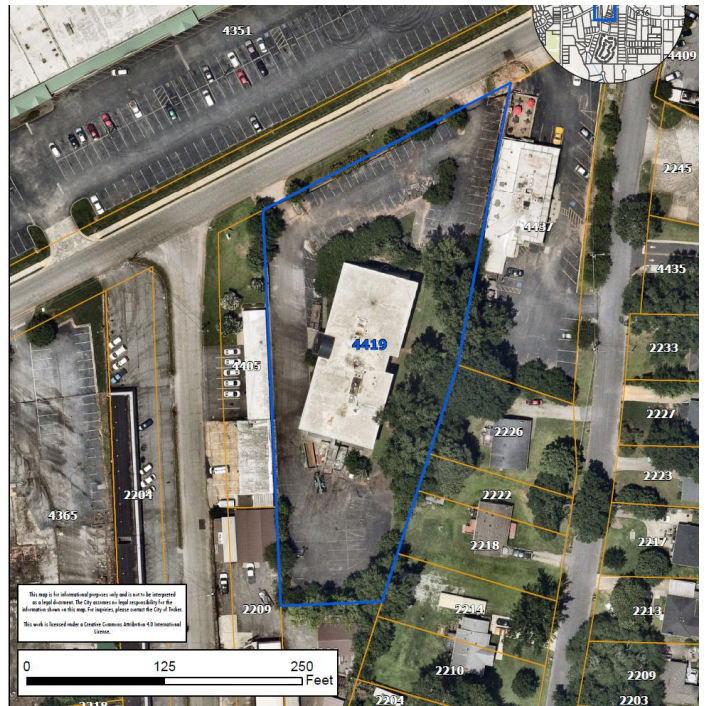
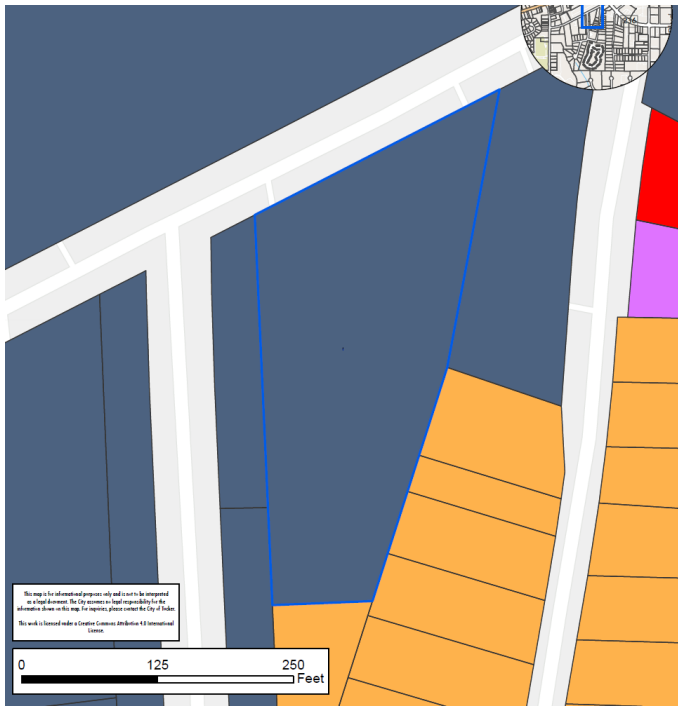
Development strategies are designed to make downtown a place where more development is encouraged, specifically a relatively high-density mix of retail, office, services, and employment. Strategy elements include locating a broad range of income level housing adjacent to the center, including multi-family housing and townhomes, encouraging redevelopment that complements the size and style of Tucker's older buildings and increases density across downtown, and making connections to greenspace and trail networks. The modest scale of the project and access to the City Trail are in accordance with the objectives of the Comprehensive Plan.

PUBLIC PARTICIPATION PLAN REPORT

The applicant hosted a neighborhood meeting on Friday, July 19, 2024, at the Tucker Recreation Center at 4898 Lavista Road, after mailing a letter and site plan explaining the proposed project to all property owners within 500 feet of the subject parcel. One person attended, in addition to the developer, Valentin Ciuperca.

No changes were made to the site plan as a result of the neighborhood meeting, however, the proposed site plan includes minimal site work to begin with.

NEARBY/SURROUNDING LAND ANALYSIS



Zoning and Aerial Exhibits.

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North Across Cowan Road	DT-2 (Downtown Corridor Zone)	Tucker Plaza (Staples, pOpshelf)
Adjacent: West	DT-2 (Downtown Corridor Zone)	Commercial
Adjacent: South	R-75 (Residential Medium Lot – 75)	Commercial (extension of uses on Hanfred Lane)
Adjacent: East	DT-2 (Downtown Corridor Zone)	Commercial (Enzo’s Pizza)
Adjacent: East	R-75 (Residential Medium Lot – 75)	Residential uses on Dillard Street

SLUP-24-0004 - MULTI-FAMILY USE ABUTS RESIDENTIAL ZONING DISTRICT

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 the staff's findings which are independent of the applicant's responses to these criteria.

- 1. 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 subject property is approximately 1.53 acres and consists of an approximately 29,352 -square foot 3-story office building and surface parking lot. The site is adequate in terms of land area and the applicant is proposing to retrofit the existing office building to allow for the proposed 36 multi-family units.

A small amount of sitework is proposed at the northern and southern ends of the building, where the demolished angular portions of the existing building will be replaced with 480 square feet of building footprint.

The existing 70-space parking lot exceeds the minimum parking requirements for the development (36 parking spaces). Newly developed surface parking lots in the DT zoning districts require parking lot screening from the view of public streets. The required screening is either a minimum of ten shrubs per 35 linear feet of street frontage, or a 30" tall opaque wall. Existing conditions include a few small trees and shrubs. Staff recommends supplementing the plantings along Cowan Road to satisfy the requirements of Sec. 46-996 – Parking (c)(2).

When DT zoning districts adjoin an R-75 district, a Class C fifty (50) foot buffer is required. The full fifty (50) foot transitional buffer exists between the building and the east property line but only a small amount (varies between 1' and 6') exists south of the building. It is possible for the buffer in this area to be increased while still complying with the minimum parking requirements, however, the applicant would like to leave the parking lot as is. Staff will note that full compliance would require the south side of the site to be reconfigured in terms of access and parking spaces. Staff recommends increasing the transitional buffer by removing the six (6) parking spaces and adjacent asphalt as it will not detrimentally impact the overall parking or drive aisles.

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

Given that the applicant is planning to reuse an existing office building for a relatively low number of multi-family units, it appears that the proposed use is compatible with adjacent properties. However, the narrower portion of the transitional buffer should be increased to mitigate any potential impacts to the four R-75 properties to the east.

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

Schools. When fully constructed, the proposed development would be expected to add 6 students to DeKalb Schools.

Stormwater management. Owner/developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance, if triggered by development.

Water and sewer. Water and sewer approval is required by the DeKalb County Department of Watershed Management.

4. 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.

The subject property has two existing full-access curb cuts along Cowan Road.

The applicant submitted a trip generation memo which analyzed the traffic generated by the existing office building (if fully leased), and the proposed conversion to Multi-Family Low Rise. In the memo, the existing 29,352-square foot office building would generate a net of 407 total daily trips, with 59 AM peak hour trips and 61 PM peak hour trips.

The expected trips generated by proposed multi-family use would generate approximately 312 total daily trips, with 34 AM peak hour trips and 36 PM peak hour trips. The memo noted that the net daily trip difference is 95 fewer trips (23%) for the multi-family use than the fully leased office use. At AM and PM Peak, there would be 25 fewer trips each, a difference of 42% and 41% less, respectively.

5. 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.

It is not expected that Land Uses along Cowan Road would be adversely affected as the proposed development has two access points. Additionally, the proposed development is located more than 350' from the signalized intersection of Cowan and Hugh Howell Roads.

6. 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 proposed development meets this standard. Sufficient pedestrian and automobile access will be provided throughout the site once the applicant installs the additional sidewalk along Cowan Road and in front of the northern building entrance.

7. 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.

8. 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.

It is not expected that the proposed 36 multi-family units, if approved, would result in unusual hours of activity.

9. 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.

Allowing a multi-family development at a density of 23.5 units per acre is less likely to impact the existing use or usability of nearby properties than a fully leased office would. Ideally, zoning & development transition from low density single-family detached to a medium density residential (such as townhomes or low-rise multi-family such as this), to commercial/office/high density residential (such as apartments). Providing a transition from more intense development to less intense development is typical of traditional zoning as it provides a step-down in intensity as you move away from the urban core of a city. However, increasing the transitional buffer would help to ensure this.

If this application is approved, that transition would be provided, even for the portion of the property that abuts the rear of single-family houses on Dillard Street. Staff will note that the homes on Dillard Street were extant when the structure was used as an office building, and no appreciable adverse impacts were noted.

10. 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 proposal for 36 multifamily units on 1.53 acres yields a density of 23.5 units per acre, which complies with the DT-2 zoning district.

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

The subject property is located in the Downtown Character Area on the Future Land Use Map. Primary land uses include single family housing, townhomes, lower density multi-family, including apartments and condominiums, retail and service commercial, office, mixed-use, and public spaces.

Downtown is mostly built-out, so development strategies focus on redeveloping and retrofitting the area to include more residential uses and encouraging a diverse mixture of housing types

including multi-family townhomes and apartments. Because this parcel is located not far from the proposed City Trail, redevelopment is considered both desirable and appropriate.

Approving the SLUP request would allow for a pocket of lower density multi-family homes between the single-family homes on Dillard Street, and the commercial uses on Hanfred and Cowan. It would also add housing in the Downtown area, increasing the density which is needed to help Downtown businesses flourish.

12. 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.

The proposed development does not meet this standard, however, the existing office building that is proposed for conversion predates the current code. Staff recommends increasing the amount of transitional buffer by removing the 6 parking spaces and adjacent asphalt along the southern portion of the east property line.

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

The submitted site plan includes a dumpster and enclosure. It is not known if the dumpster enclosure meets current zoning regulations as the site is currently locked with a construction fence. The regulations require that "Dumpsters must be screened on three sides by a wall at least eight feet high and on the fourth side by a solid gate at least eight feet high." The staff recommends modifying the dumpster to meet these standards if it does not comply.

14. 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.

15. 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 development would not result in any new buildings, and the applicant is not proposing to add any additional height to the structure, should this application be approved.

16. 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).

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

The proposal satisfies the supplemental regulations in Sec. 46-1167 for multi-family developments in that the density is just under 24 units per acre.

18. 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 negative shadow would not be created as the office building that is proposed to be converted into multi-family units is existing. Although this would be a change in use, there is no proposed construction that would create a negative shadow impact on the surrounding properties.

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

The proposed development does not appear to create a disproportionate proliferation and it would be the only adaptive reuse of an office building in the Downtown area. Nearby Dillard Street leads to the Dillard Crossing townhouse development, and a small apartment complex of approximately 14 garden style apartments is located on Hanfred Road, south of 4419 Cowan Road. Avana Twenty9 at 2334 Fuller Way includes 223 multifamily units.

20. 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.

The proposed multi-family development provides a unique housing type and the adaptive reuse of a vacant office building. Due to the decline in demand for office use, and the increase in demand for housing, the proposal provides an adaptive reuse for the site that is compatible with the neighborhood and the overall objectives of the comprehensive plan, especially for the Downtown character area.

CONCLUSION

The request meets the intent of the Comprehensive Plan in terms of primary land use (multi-family), a unique housing type, and the retrofit of vacant office.

Therefore, Staff recommends **approval with conditions**.

Concurrent Variance (CV-24-0006) – Exterior Building Material Requirements

Code Section 46-990(d)(1) requires that “facades must be faced in brick, natural or synthetic stone, or painted wood/cementitious clapboard” and that “Facades may not be faced in aluminum, metal, corrugated steel, vinyl or plastic, plywood, pressed wood, imitation wood, EIFS, true or synthetic stucco, or concrete masonry units.” This requirement is intended to create aesthetically appealing facades that improve the pedestrian experience in the Downtown areas. Because this project is the redevelopment

of an existing building with a stucco façade, the applicants are requesting relief from the materials requirement so that they can use additional stucco when they fill in some of the large office windows to create a more residential appearance to the structure.

A concurrent variance is requested to allow the use of additional stucco material on the exterior elevations.

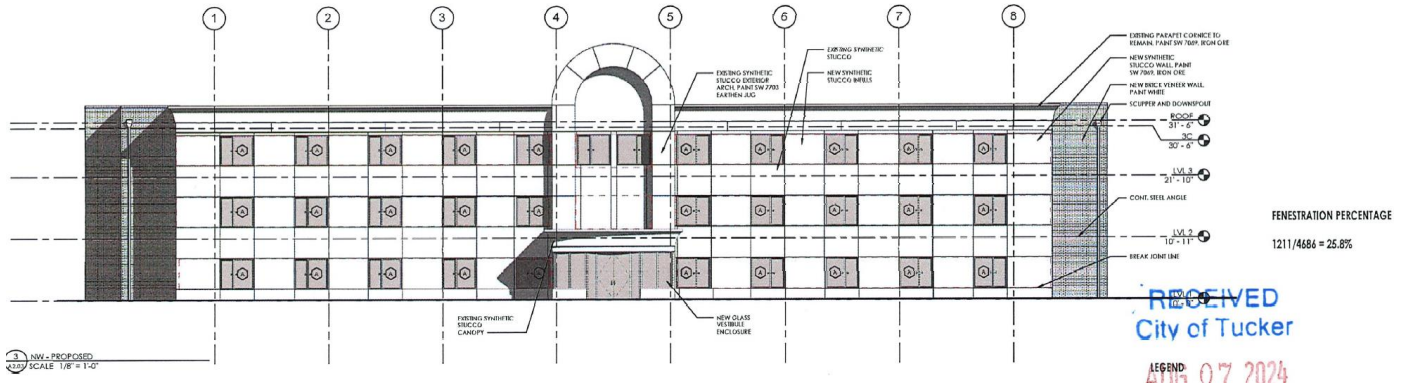


Figure 1. Proposed front elevation facing internal drive aisle. Stucco siding.

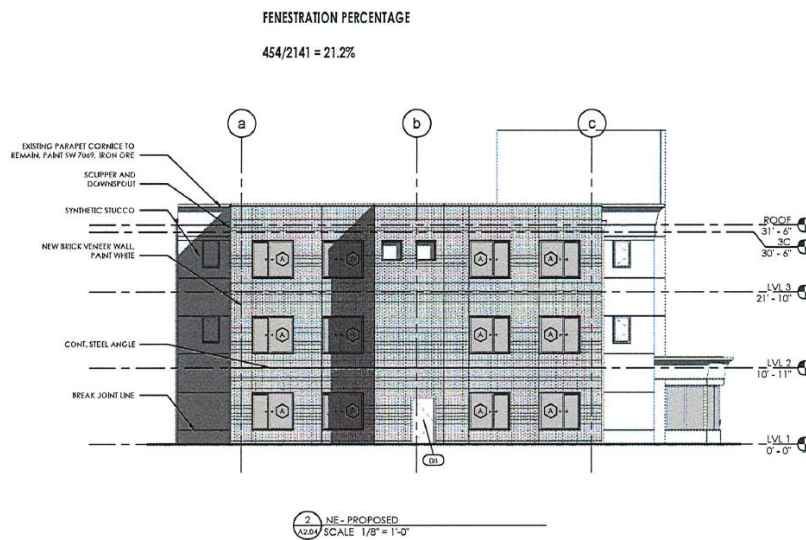


Figure 2. Cowan Road elevation, faced with brick, not stucco. Staff recommends a canopy over the door and additional glazing around the door.

Criteria for variance approval are provided in Section 46-1633 of the City of Tucker Zoning Ordinance.

CRITERIA TO BE APPLIED – CONCURRENT VARIANCE

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slopes), which were not created by the owner or applicant, the strict

application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The existing structure was built in 1974 and remodeled in 1992. It is not known if the stucco is original to the building or was added during the remodeling, but either way the stucco predates the Downtown zoning districts material requirements. Stucco will be removed from the elevation facing Cowan Road and the southeastern elevation. The proposal for these elevations includes removing the pyramidal buttress features (already demolished) and replacing them with flat walls and internal staircases. These new elevations will be faced with brick, which is in compliance with the building material regulations. The existing front (west) elevation, which faces the internal drive aisle, and the rear (east) elevation, which faces Enzo's Pizza and one single-family house, already have stucco materials. The plan for these elevations is to reduce the size of the windows and infill them with additional stucco material. The applicant could fill them in with a material that complies with the code, but it would not be as aesthetically appealing as matching the existing façade material.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

The requested variance does not go beyond the minimum necessary to afford relief. As noted, the elevation that faces a public street will be faced with brick and will meet the building material regulations. The applicant is requesting relief for non-public street facing elevations only.

- 3. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

Granting this variance would not be materially detrimental to the public welfare or injurious to the property and improvements in the DT zoning district. Passersby on Cowan Road would see the brick faced elevation. It is possible that the stucco faced elevations would be visible from either Hanfred Lane or Dillard Street, but only in partial view from a distance.

- 4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

The literal interpretation and strict application of the applicable provisions or requirements of this chapter could cause undue and unnecessary hardship as requiring brick, stone, or cementitious materials would require refacing the entire building with new materials. As proposed, the applicants are replacing the public street facing façade with compliant materials.

- 5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**

The requested variance is primarily consistent with the spirit and purpose of this chapter and the Comprehensive Plan Text. It is the intent of the Downtown zoning districts to promote

redevelopment and improved aesthetics, which this project achieves. The redevelopment of the parcel could trigger more redevelopment and increased walkability in the Downtown. By introducing brick and new windows on the Cowan Road elevation, the proposal meets the spirit of creating developments that attract pedestrians.

Conclusion: Staff recommends **APPROVAL of CV-24-0006.**

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **SLUP-24-0004 and CV-24-0006.**

1. The use of the subject property shall be limited to office and multi-family residential at a density of 24 units per acre within the existing office building footprint.
2. The property shall be developed in general conformance with the site plan received by the City of Tucker Planning and Zoning Department on September 5, 2024, and the elevations received by the City of Tucker Planning and Zoning Department on August 7, 2024, with changes to meet these conditions and other requirements of the code.
3. The use of stucco shall be permitted on the west and east facades (CV-24-0006).
4. The minimum lease term shall not be shorter than 6 months.
5. An on-site leasing office with property maintenance staff shall be provided for the multifamily units to serve as a contact point for residents and local authorities.
6. All signage shall comply with the Sign Ordinance.
7. The Dumpster Enclosure must be screened on three sides by a brick wall at least eight feet high and on the fourth side by a solid gate at least eight feet high. The Dumpster Enclosure design shall be included on the building permit application drawings for the conversion project.
8. The Owner/Developer shall enhance the northeastern façade facing Cowan Road to comply with the pedestrian entrance standards of the Downtown zoning districts by adding a metal canopy over the service door, as well as additional glazing around the door.
9. Owner/Developer shall supplement the plantings along Cowan Road to screen the parking lot with a minimum of ten shrubs per 35 linear feet of street frontage, excluding driveway openings. The shrubs must be planted two rows deep and provide a screen within three years of planting. The shrubs shall not interfere with the sight visibility triangles at the driveways.
10. The Owner/Developer shall increase the transitional buffer along the southern portion of the east property line and enhance the plantings within the entire length of transitional buffer

with a mix of evergreen and hardwood trees.

11. The Owner/Developer shall construct the requisite streetscape on Cowan Road, which includes an eleven-foot street scape zone with a five (5) foot landscape strip and a six (6) foot sidewalk. This may require dedication of right-of-way.

Department Comments

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

The city has not received comments from DeKalb Watershed at this time.

DEKALB COUNTY SCHOOL SYSTEM

When fully constructed, the proposed development would be expected to add 6 students to DeKalb Schools, which includes 3 at Brockett Elementary, 1 at Tucker Middle, 2 at Tucker High, 0 at other DCSD schools, and 0 at private schools. The DeKalb County School District stated that the elementary and high school have capacity for additional students. Tucker Middle School is currently at 100.4% capacity, and the addition of one student would increase enrollment slightly to 100.5% capacity.

LAND DEVELOPMENT

A Land Disturbance Permit is not required for disturbance less than 5000 square feet. BMP's for erosion control must still be implemented where necessary.