



Planning and Zoning
 1975 Lakeside Parkway, Suite 350
 Tucker, GA 30084
 Phone: 678-597-9040
 Website: www.tuckerga.gov

Land Use Petition Application Checklist

FOR ALL REZONINGS, COMPREHENSIVE PLAN AMENDMENTS, SPECIAL LAND USE PERMITS, MODIFICATIONS, AND CONCURRENT VARIANCES

REQUIRED ITEMS	NUMBER OF COPIES	CHECK <input checked="" type="checkbox"/>
One (1) digital copy of all submitted materials	• One (1) flash drive or CD in .JPEG, .PDF format*	<input checked="" type="checkbox"/>
Pre-Application Meeting Form	• One (1) Copy	<input checked="" type="checkbox"/>
Public Participation Report	• One (1) Copy	<input checked="" type="checkbox"/>
Application, Signature Pages, Disclosure Form	• One (1) Copy each	<input checked="" type="checkbox"/>
Written Legal Description	• One (1) 8 1/2 "x 11" Legal Description	<input checked="" type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 9 for Requirements)	• One (1) Full-Size (24" x 36") Copy of each • One (1) 8 1/2 "x 11" or 11x17 Site Plan of each	<input checked="" type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with Article 5)	• One (1) Copy	<input checked="" type="checkbox"/>
Letter of Intent	• One (1) Copy	<input checked="" type="checkbox"/>
Analysis of Standards/Criteria (See page 5)	• One (1) Copy	<input checked="" type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input checked="" type="checkbox"/>
Trip Generation Letter (ITE Trip Generation Manual)	• One (1) Copy	<input checked="" type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study (See Sec. 46-1309)	• One (1) Copy	<input checked="" type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input type="checkbox"/>
Environmental Impact Report	• One (1) Copy	<input type="checkbox"/>
Noise Study Report	• One (1) Copy	<input type="checkbox"/>
Meeting with GDOT if impact to I-285 Eastside Express Lanes	• One (1) Copy	<input type="checkbox"/>
Other items required per the Zoning Ordinance	• One (1) Copy	<input type="checkbox"/>
LAND USE PETITION FEE SCHEDULE		
Residential Rezoning	\$500	<input type="checkbox"/>
Multifamily/Non-Residential Rezoning	\$750	<input type="checkbox"/>
Special Land Use Permit	\$400	<input checked="" type="checkbox"/>
Comprehensive Plan Amendment	\$1000	<input type="checkbox"/>
Modification	\$250	<input type="checkbox"/>
Variance (includes Concurrent Variance)	\$300	<input checked="" type="checkbox"/>
Public Notice Sign Fee	\$85 (per required sign)	<input checked="" type="checkbox"/>

<https://rhudspeth.sharefile.com/home/shared/fode5505-8bae-4dba-88bd-54f1c7f2f45b>

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PLANNING & ZONING
 DEPARTMENT



Planning and Zoning
 1975 Lakeside Parkway, Suite 350
 Tucker, GA 30084
 Phone: 678-597-9040
 Website: www.tuckerga.gov

Land Use Petition Application

Type of Application: Rezoning Comprehensive Plan Amendment Special Land Use Permit
 Concurrent Variance Modification

APPLICANT INFORMATION		
Applicant is the: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: Joseph G. Wilburn		
Address: Reginald A. Hudspeth, LLC, 1325 Satellite Blvd, Bldg 100, Suite 101		
City: Suwanee	State: GA	Zip: 30024
Contact Name: Joseph G. Wilburn		
Phone: 770-864-1403	Email: joe@rhudspeth.com	
OWNER INFORMATION		
Name: STALLION INVESTMENTS LLC		
Address: 3378 LAWRENCEVILLE HWY		
City: TUCKER	State: GA	Zip: 30084 7138
Contact Name: Aziz Haji		
Phone: 770-329-6598	Email: azizhajiusa@gmail.com	
PROPERTY INFORMATION		
Property Address: 2101 NORTHLAKE PKWY, TUCKER, 30084		
Present Zoning District(s): NL-1	Requested Zoning District(s):	
Present Land Use Category: Commercial	Requested Land Use Category:	
Land District: 18	Land Lot(s): 210 and 189	Acreage: 2.768
Proposed Development: Special events facility		
Concurrent Variance(s):		
RESIDENTIAL DEVELOPMENT		
No. of Lots/Dwelling Units:	Dwelling Unit Size (Sq. Ft.):	Density:
NON-RESIDENTIAL DEVELOPMENT		
No. of Buildings/Lots: One	Total Building Sq. Ft.: 12,924	Density:

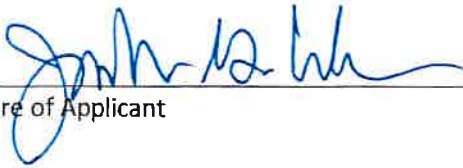
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APPLICANT'S CERTIFICATION


THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

 11/19/2024

Signature of Applicant Date

Joseph G. Wilburn

Type or Print Name and Title

 11/19/2024

Signature of Notary Public Date Notary Seal



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PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

I, Aziz Haji, as Manager of Stallion Investments, LLC, authorize, Joseph G. Wilburn,
(Property Owner) (Applicant)

to file for SLUP, at 2101 NORTHLAKE PKWY, TUCKER 30084
(RZ, CA, SLUP, M, CV) (Address)

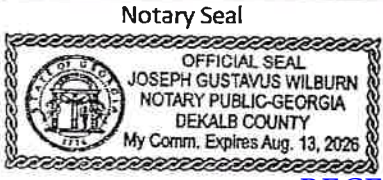
on this date July 22, 2024.
(Month) (Day) (Year)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Aziz Haji Signature of Property Owner 7/22/24 Date

Aziz Haji, as Manager
Type or Print Name and Title

[Signature] Signature of Notary Public 7/22/2024 Date



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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: **YES** (if YES, complete points 1 through 4); **NO** (if NO, complete only point 4)

1. **CIRCLE ONE:** **Party to Petition** (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3. **CAMPAIGN CONTRIBUTIONS:**

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information, and belief.

Name (print) Joseph G. Wilburn **RECEIVED**
 Signature:  Date: 11/19/2020 **CITY OF TUCKER**
12/16/2024

REGINALD A. HUDSPETH, LLC

ATTORNEYS AT LAW
1325 Satellite Blvd,
Bldg. 100, Suite 101
Suwanee, Georgia 30024
(770) 925-1400

REGINALD A. HUDSPETH

JOSEPH G. WILBURN

December 16, 2024

Planning and Zoning Department
1975 Lakeside Parkway, Suite 350
Tucker, GA 30084
Phone: 678-597-9040

RE: Letter of Intent – Special Land Use Petition Application (*Revised*)
Special Events Facility ("Requested Use")
2101 Northlake Parkway ("Site")
Tucker, GA 30084

Dear Planning and Zoning Department:

Please find attached our Special Land Use Petition Application for the Site, along with a Concurrent Variance Application for your review. We are seeking approval to operate a Special Events Facility at this location for Luxe Interiors and Events, LLC.

Historically, prior to the City of Tucker's recent change in zoning designation, the Site has functioned as a special events venue. We believe that the Requested Use is in alignment with the character of the surrounding area and will positively contribute to the community. Special event centers create job opportunities and provide safe, comfortable spaces for social gatherings. Luxe Interiors and Events, LLC will be providing a high-quality experience with comprehensive services, including event planning, catering, and hosting, ensuring that each event is executed seamlessly.

We are also requesting three (3) Concurrent Variances, which are variances:

- (i) as to Section 46-1145(5) -- to permit the installation and utilization of two (non-conforming) storage facilities in the rear parking lot; and
- (ii) as to Section 46-1451(2)(g) -- to permit certain parking spaces to be used for the long-term storage of certain furniture and equipment; and
- (iii) as to Section 46-1205(4) -- to operate the facility within 1500 feet of residential development.

With respect to Section 46-1145(5), the majority of the interior space of the Special Event's Facility is comprised of the event ballroom and space dedicated for events. The storage space in the Special Events Facility is limited. These storage units are essential for housing furniture and supplies used in the operation of the events facility. To store furniture and equipment off-site and deliver it and remove it from the site with each event would be cumbersome, increase traffic, and be inefficient. They are located in areas of the parking lot which are shielded from view from the public rights-of way of Northlake Parkway and East Exchange Place. We are requesting a variance to allow the long term outdoor storage facilities to remain in place.

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Planning and Zoning Department
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With respect to Section 46-1451(2)(g), the aforementioned storage facilities are located on striped parking spaces in the parking lot of the Special Events facility. Even with the elimination of these parking spaces, the site has adequate spaces allocated to the tenants for parking, which complies with the City of Tucker's parking ordinance. This is shown on the Survey and the parking allocation attached thereto. We are requesting a variance to allow the long term outdoor storage facilities to remain on the striped parking spaces as depicted on the attached survey.

With respect to Section 46-1205(4), although separated by vegetation, a public right of way (Lavista Executive Park Dr), and commercial buildings, there is a subdivision to the east, (which subdivision includes attorneys' offices) that is within 1500 feet ("Distance") of the Eastern Boundary of the Site. The operators are diligent in insisting that all events terminate as of midnight, which is the same time or earlier than the closing hour of nearby bars along Northlake Parkway) and any exterior noise is maintained at a minimum level. Furthermore, the operators and fee title owners have never received any complaints from the neighboring residents regarding the operation of the special events facility. We are requesting a variance to allow the Requested Use within the Distance.

We respectfully request that the City of Tucker approve both the Special Land Use Petition and the Concurrent Variances to facilitate the continued operation and success of this special events venue.

Please feel free to contact me with any questions or concerns. Thank you for your consideration.

Best regards,



Joseph G. Wilburn
Owner's Attorney

Enclosures: Special Land Use Petition Application, Concurrent Variance Application

ANALYSIS OF STANDARDS/CRITERIA

SPECIAL LAND USE PERMIT CRITERIA

Section 46-1594 and 46-1595 of the City of Tucker Zoning Ordinance lists specific criteria that shall be considered by the planning and zoning department, the planning commission, and the mayor and city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the mayor and city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in Article 4. The applicant shall write a detailed written analysis of criteria as it relates to their proposed project.

The following criteria shall be considered by the planning and zoning department, the planning commission, and the mayor and city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the mayor and city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article IV of this chapter:

- (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 located on a tract of approximately 2.768 acres (being DeKalb County APN 18 210 01 028). For the proposed use as a special events facility on the subject property, all setbacks, buffers, off-street parking, drives, utilities, and other applicable requirements as set forth in the zoning ordinances for the applicable zoning district will be met. The Special Events facility is 11,000 square feet, and with respect to parking requirements, Park Requirements Table 6.2, Parking Ratios, in Code Section 46-1452 stipulates a minimum of one parking space for each 200 square feet of space used for such activity, and a maximum of one parking space per each 100 square feet of floor area.

At 11,000 square feet, the Special Events Facility requires a minimum of Fifty-five (55) parking spaces and is permitted a maximum of One Hundred and Ten (110) parking spaces. The site plan shows that One Hundred and One (101) spaces, including one (3) ADA spaces close to the building. Valet Parking services will not be utilized at the Special Events Facility.

There are two curb cuts along the right-of-way of Northlake Parkway. All ingress from Northlake Parkway to the parking lot of the Special Events Center shall be through the northern curb cut. All egress from the parking lot of the Special Events Facility into Northlake Parkway shall be through the southern curb cut. The Owner is resealing and restriping the parking lot in pursuant to the site plan.

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

The subject property is located on eastern side of Northlake Parkway, across the street from the Target Shopping Center, in the Northlake High-Intensity Commercial Zoning District. The proposed use as a special events facility is compatible with the surrounding mixed-use restaurant, retail, and office uses. The site has previously been used as special events facility for many years, and its continued use as such now is compatible with the land uses of other properties in the district.

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

The proposed use on the subject property will not differ from the use in prior years and the current public services, public facilities and utilities that have served the subject property in the past are adequate to served the subject property and the proposed use as a special events facility.

(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 is located in close proximity to the rights-of-way of I-285 and Lavista Road; the property is accessible on Northlake Parkway from Lavista (on the north) or Lawrenceville Highway (on the south), which are major arteries. The proposed use at the subject property will not differ from the use in prior years and the current will not have a significant impact on traffic or cause congestion in the area. Furthermore, special events, such as wedding receptions, are typically held on weekends and at times when other businesses in the district, including retail and offices are not busy or active. The Applicant has obtained a Trip Generation Letter prepared by A&R Engineering, Inc. which is attached to this Petition.

(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.*

The proposed use will not significantly increase the number the vehicles or the volume of traffic generated by the proposed use and will not adversely affect existing land uses located along access routes to the site. The trips generated by the Event Center during weekday peak hours (AM and PM) will be negligible as stated in the Trip Generation Report. Total Weekend Trips for a 24-hour period generated by the Special Events facility will be 130.

(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 are are two curb cuts and driveways accessing the subject property to and from the right-of-way of Northlake Parkway, and the attached plans show the such ingress and egress points. The northern Curb cut will be limited to Ingress from Northlake Parkway, The southern curb cut will be solely for egress from the parking area to Northlake Parkway. Striping and signage will be installed to indicate these directional. For the proposed use, pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency services on the subject property are adequate.

(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 use on the subject property as a special events facility will not cause any adverse impacts, including of noise, smoke, odor, dust, or vibration, upon the adjoining land use which adjoining land use retail and office. The Special Event Facility will not operate beyond 12:30 AM. Noise will be minimal as the events at the Special Events facility will be held within the building at the Site.

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- (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.*

The proposed use on the subject property will not create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use. The Special Event Facility will not operate beyond 12:30 AM. Noise will be minimized as the events will be held within the building at the Site. The closest neighboring property are commercial buildings and they provide a buffer, along with existing vegetation between the Special Events

- (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.*

The proposed use on the subject property will not create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. Since such a special events facility is "destination" type of business, the proposed use may have a beneficial impact on nearby retailers by bringing patrons to the site who may not otherwise visit the area.

- (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 proposed land use as a special use facility is generally compatible with the uses authorized in the Northlake High-Intensity Commercial District, which allows for the most intense mixed-use development in the City of Tucker. This special Events facility is in close proximity to I-285, Lavista Road and Lawrenceville Highway.

- (11) *Whether or not the proposed use is consistent with the policies of the comprehensive plan.*

In the City's Comprehensive Plan the subject property is located within the Northlake "Town Center" Area which serve surrounding communities surrounding. The proposed use will provide for a special event facility providing a safe and convenient destination not only for persons located outside of Tucker but also for residents in nearby communities. One of the primary uses proposed for the Town Center area is "entertainment." The Special Event facility will comport with this primary use.

- (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 subject property is surrounded by commercial properties, and the uses on the adjoining parcels are compatible with the proposed use on the subject property. The proposed site is in compliance with require buffers and transitional buffer zones.

- (13) *Whether or not there is adequate provision of refuse and service areas.*

There is adequate provision of refuse and service areas, as depicted on the attached plan. There is an abundance of space in the parking area to provide for the delivery of supplies or equipment to be used at the Events facility. In the parking lot there is a dumpster located in the rear of the parking lot for refuse generated at the Site.

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(14) *Whether the length of time for which the special land use permit is granted should be limited in duration.*

It is the intent of the owner of the land and the current operator of the special events facility that this use of the subject property shall be used as such for the foreseeable future and for an extended period of time. Furthermore, the use of the subject property as a special events facility is consistent with Tucker's long range plans as a Town Center in this area, and the attendant uses thereof. For these reasons, the length of time for this special land use permit should not be limited.

(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 building which houses the special events facility has been in place for many years. The subject property and structures thereon are in compliance with the Northlake High-Intensity Commercial land use regulations with respect relation of the subject property to the size, scale and massing of nearby lots and buildings.

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

The subject property is neither located near historic buildings or sites nor within a historic district. There are no known archeological resources nearby that would be adversely affect by the proposed use.

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

The proposed request to for the subject property's use as a special events facility meets all of the additional regulations for the special land use permit.

(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.*

No changes are contemplated to the building on the subject land and the structure, thereon which will serve as the special events center is 24 feet in height, and does not create a negative shadow impact on adjoining lots or buildings.

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

There are very few dedicated special events centers of this size and capacity in the area – the proposed use serves and an otherwise underserved need.

(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 subject property's location and its past use as a special events facility makes it ideal for for this use. The proposed use is compatible with the neighborhood and would not be in conflict with the overall objective of the comprehensive plan.

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Additional criteria for specified uses.

In addition to the criteria contained in section 46-1594, for which each applicant for a special land use permit is required to provide information, the following additional criteria shall apply to specific uses.

A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easement, city, county, or state roads:

The owner of the Site is resealing and restriping the Parking lot and driveways of the Site. Proposed striping for the driveway and parking lot is shown on the "Parking Lot Striping Plan for 2101 Northlake Parkway" (the "Plan"), dated October 15, 2024, prepared by Red Rock Design engineers. The striping that is depicted on the Plan will be implemented upon the restriping.

The Plan shown all ingress into the site coming through the northern curb cut on Northlake Parkway. The traffic will flow along, behind and around the building housing the Special Events facility (the "Building"). There is ample parking in front of, to the south of, and behind the Building. The front door of the special events facility (which is located on the northern end of the Building) where attendees may be dropped off is more than 80 feet from the right-of-way of Northlake Parkway. There should be no traffic backing up on Northlake Parkway of arrival to the special Events facility. As stated, the traffic will flow across drives and parking areas across the front, sides, and rear of the Building. The southern curb cut will be for egress only from the parking lot into Northlake Parkway. The southern curb cut is more than 100 feet from the northern curb cut. Egress from the parking lot into the right-of-way should not negatively affect ingress from Northlake Parkway in to the Parking Area.

In addition to restriping -- the owners will be installing directional signage to control traffic flow to and from the site.

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Parking and Traffic Control

As Depicted on that certain PARKING LOT STRIPING PLAN, for 2101 NORTHLAKE PARKWAY
by Red Rock Design, certified by Kevin D. White Georgia P.E. No. 30460 ("Survey")

The Site on which the Special Events Facility is located is a mixed use development. The other uses on the site are : an Exercise Gym, a Beauty Salon, a Mechanic's Shop, and a Tire Shop. These uses would tend to not be active during peak times of the Special Events Facility.

The Parking Spaces required and allotted for all of the uses as depicted on the Survey and is as follows:

USE	Approx Sq Ft	Min Parking Spaces	Max Parking Spaces	Parking Spaces Allotted	ADA
Special Events Facility	11,000	55	110	101	3
Exercise Gym	4,800	10	24	24	1
Mechanic's Shop	2,295	11	11	11	1
Beauty Salon	2,295	15	15	15	1
Tire Shop	2,295	15	15	15	2
Total Space Required/Allotted		82	175	166	8

With respect to traffic Control. The northern curb cut is being assigned as an "Entrance Only."

Traffic will flow through this curb cut into the parking lot. A "Entrance Only" sign will be placed at this curb cut and directional arrows will be painted on the surface.

The Southern curb cut will be assigned as an "Exit Only." Signage facing Northlake Parkway will show this as an "Exit Only." Directional Arrows will be painted on the surface showing this is an exit to Northlake Parkway. Signage will be included in the parking lot directing traffic to the southern curb cut to exit.

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CONCURRENT VARIANCE CRITERIA
(Concurrent Variance as to Section 46-1451(2)(g))

Section 46-1633 of the City of Tucker Zoning Ordinance lists the specific criteria that to be considered by the planning and zoning department, the planning commission, and the mayor and city council in evaluating and deciding whether or not to grant a variance. The following is a detailed written analysis of criteria as it relates to this proposed project.

Applicant is requesting a concurrent variance as to Section 46-1451(2)(g), which Section provides:

(g) No parking space, driveway or parking lot shall be used for the sale, repair, dismantling, servicing, or long-term storage of any vehicle or equipment, unless located within a zoning district which otherwise permits such use.

The special events facility utilized storage structures with are of approximately 10'x30' and 10'x 20'. These storage facilities are essential for the efficient and safe operation of the as they are used to store furniture, equipment and supplies used for special events and the Special events facility does not have storage space adequate to store these items. Applicant is requesting a variance to Section 46-1145(5)

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

CONCURRENT VARIANCE CRITERIA

- a. 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 slope), which were not created by the owner or applicant, the strict application of the requirements of this division would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The nature of the proposed use, a special events facility, requires a substantial amount of varied supplies in order to meet the varying needs of different types of events. For example, while some events would require many tables or many chairs, others would require a large interior open space with relatively few tables and chairs. The building which houses the special events facility does not have storage space adequate to allow the storage of supplies not in use by certain events.

These storage facilities are located on approximately eight (8) striped parking spaces located in the rear parking lot. The Parking lot contains an abundance of striped parking spaces. Allotted for the five (5) uses on the development are 166 spaces. The City's Code provides at a maximum number of spaces (for the uses) 175 parking

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spaces and a minimum of 82. The parking lot – even with the loss of the eight (8) spaces is within the requirements of the City’s parking ordinance.

For that reason, the Storage Structures, which are adequately screened from public street view and will be used for such storage are situated on the parking spaces. These conditions were not created by the applicant and a strict application of the requirements would deprive the applicant of rights and privileges enjoyed by other property owners in the same zoning district.

- b. 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.

We do not believe the requested variance goes beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with other properties in the NL-1 District in which the subject property is located.

- c. 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.

We do not believe the granting of the variance will be materially detrimental to the public welfare or injurious to the property. The structures and storage of materials therein is not visible by the public as the structures are shielded from Northlake Parkway, East Exchange Place, and Lavista Road by permanent structures and natural vegetation.

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

Literal interpretation and strict application would cause undue and unnecessary hardship due to the reasons stated above.

- e. The requested variance would be consistent with the spirit and purpose of this division and the comprehensive plan text.

The purpose and intent of the Northlake High Intensity Commercial overlay District is to allow for an intense mixed-use development. The Proposed use of a special events facility is in concert with the purpose and intent of the District. To facilitate such use the temporary structures which will provide storage for the supplies used in the facility. The temporary structures utilize a portion of the rear parking lot and do not significantly diminish the number of parking spaces available for the businesses located on the parcel. However, the structures, which are well-shielded from view from the rights-of-way, provide a suitable and alternative use of a small portion of the parking area. The overall design is in the spirit and purpose of the code.

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CONCURRENT VARIANCE CRITERIA
(Concurrent Variance as to Section 46-1145(5))

Section 46-1633 of the City of Tucker Zoning Ordinance lists the specific criteria that to be considered by the planning and zoning department, the planning commission, and the mayor and city council in evaluating and deciding whether or not to grant a variance. The following is a detailed written analysis of criteria as it relates to this proposed project.

A requested concurrent variance as to Section 46-1145(5), which Section provides:

- (a) Accessory buildings or structures greater than 200 square feet in floor area shall be constructed out of a material similar to the principal structure.
- (b) All accessory structure materials shall comply with section 46-1416. -- to permit the installation and utilization of two (non-conforming) storage facilities in the rear parking lot; and

The Storage structures are painted corrugated aluminum prefabricated structures and are not constructed of the material similar to the principal structures. They are out buildings of approximately 10'x30' and 10'x 20'. These storage facilities are essential for the efficient and safe operation of the as they are used to store furniture, equipment and supplies used for special events and the Special events facility does not have storage space adequate to store these items. Applicant is requesting a variant to Section 46-1145(5)

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

CONCURRENT VARIANCE CRITERIA

- a. 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 slope), which were not created by the owner or applicant, the strict application of the requirements of this division would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.

The nature of the proposed use, a special events facility, requires a substantial amount of varied supplies in order to meet the varying needs of different types of events. For example, while some events would require many tables or many chairs, others would require a large interior open space with relatively few tables and chairs. The building which houses the special events facility does not have storage space adequate to allow the storage of supplies not in use by certain events.

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For that reason, the Storage Structures, which are adequately screened from public street view, will be used for such storage. These conditions were not created by the applicant and a strict application of the requirements would deprive the applicant of rights and privileges enjoyed by other property owners in the same zoning district.

- b. 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.

We do not believe the requested variance goes beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with other properties in the NL-1 District in which the subject property is located.

- c. 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.

We do not believe the granting of the variance will be materially detrimental to the public welfare or injurious to the property. The structures and storage of materials therein is not visible by the public as the structures are shielded from Northlake Parkway, East Exchange Place, and Lavista Road by permanent structures and natural vegetation.

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

Literal interpretation and strict application would cause undue and unnecessary hardship due the reasons stated above.

- e. The requested variance would be consistent with the spirit and purpose of this division and the comprehensive plan text.

The purpose and intent of the Northlake High Intensity Commercial overlay District is to allow for an intense mixed-use development. The Proposed use of a special events facility is in concert with the purpose and intent of the District. To facilitate such use the temporary structures which will provide storage for the supplies used in the facility is key

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PLANNING & ZONING
DEPARTMENT

Exhibit CV-1



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DEPARTMENT

CONCURRENT VARIANCE

(Variance as to Section 46-1205(4))

Section 46-1633 of the City of Tucker Zoning Ordinance lists the specific criteria that to be considered by the planning and zoning department, the planning commission, and the mayor and city council in evaluating and deciding whether or not to grant a variance. The following is a detailed written analysis of criteria as it relates to this proposed project.

Applicant is requesting a concurrent variance as to Section 46-1205(4) ,which Section provides:

Special event facilities shall be subject to all of the following standards:

(4)No special event facility boundary line shall be located within 1,500 feet from the boundary line of property zoned or used for residential purposes.

Directly to the east of the eastern boundary line of the Special Events Facility lies the Right of way of Lavista Executive Park. Along this right of way are commercial properties, including a brake and oil change store and office buildings. To the east of those establishments are properties along the right-of-way of Vistadale Road. Section 46-1205(4) provides that the boundary line of a Special Events facility shall not be located within 1,500 feet from the boundary line of property zoned or used for residential purposes.

The eastern boundary line of this Special Events Facility is located within 1,500 feet from the boundary line properties located on on Vistadale Court, and although some of the properties on Vistadale Court are used as offices, some of these properties are used residentially.

A concurrent variance is requested to allow the boundary line of this Special Events Facility to be located within 1,500 feet of the boundary line property being utilized for residential use. Applicant is requesting a variance to Section 46-1205(4).

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

CONCURRENT VARIANCE CRITERIA

- a. 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 slope), which were not created by the owner or applicant, the

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

This site is on the eastern end of the Northlake High Intensity District. It is also within the eastern side of the Town Center area per the Comprehensive Plan. This site has been used as a Special Events facility for many years. The parcels to the east of this site are commercial - office/retail. Further to the ester shielded by vegetation are residential parcels. The use of this site as a Special Events facility comports with the use that it has enjoyed for many years. Its use is in concert with other commercial properties in the area. The strict application of the requirements of Section 46-1205(4)s would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district

- b. 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.

This site has been used for many years as a Special Events facility. This use of the site as such has been without complaints or issues from residential property owners/residents to the east of the land. The use has been consistent with other commercial uses in the area. 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.

- c. 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.

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. As stated this property is within the Northlake High Intensity zoning district. This use is in concert with other uses in this district. The hours of operation of this Special Events Facility will not be beyond 12:30 AM (per the Code) on any given day, and they will primarily be operating on weekends, Any noise, such as music, that will be generated by the Special Events facility will be minimal to surrounding properties as it in will be inside the building. As to surrounding properties, although there are residential properties to the east within 1500 feet, there is a buffer

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of permitted commercial properties and vegetation between the site and the closest residential properties.

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

As stated this site has been used as a Special Events facility for many years. The Building and fixtures therein have been improved as such and function very well as a Special Events facility. This use is the highest and best use for this parcel. The literal interpretation and strict application of the applicable provisions or requirements of this division would cause undue and unnecessary hardship.

- e. The requested variance would be consistent with the spirit and purpose of this division and the comprehensive pian text.

The Comprehensive Pian for Tucker (the "Plan") calls for this area to be within the Town Center area, which area is to promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage. A Primary Land Use of this area pursuant to the Plan is as "Entertainment facilities", which the Special Events facility will provide, as well as, a private recreational use. The requested variance would be consistent with the spirit and purpose of this division and the comprehensive pian text.

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ENVIRONMENTAL SITE ANALYSIS FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project. Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

Property owner is seeking a special land use permit ("SLUP") to use the subject parcel as a Special Events Facility. The proposed SLUP conforms to the Comprehensive Land Use Plan. The Comprehensive Plan Land Use Map shows this parcel is in an area labeled "Town Center." (see ES-1 attached) As to future use, the Town Cent area is designed with a "Primary Use" as "entertainment and cultural facilities." As a Special Events facility this use will be suitable as a Entertainment facility. The area is currently within the Northlake High Intensity zoning district. Nearby and adjacent properties are used as commercial, office and retail shopping. Environmental conditions are stable. The proposed use will not negatively impact the environment.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
 - Wetlands are not located on the Site
- b. Floodplain
 - The subject property is not within a flood plain per the Federal Emergency Management Agency maps.
- c. Streams/stream buffers
 - Absent or no stream/stream buffers are found within the subject property
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
 - Slopes do not exceed 25 percent over a 10-foot rise in elevation on the subject property
- e. Vegetation
 - Absent or no applicable vegetation is found within the subject property
- f. Wildlife Species (including fish)
 - The proposed use will have no effect on any wildlife species.
- g. Archeological/Historical Sites
 - This site is not a historical site nor are there any archaeological finding on the property.

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site features that may be impacted.

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ENVIRONMENTAL SITE ANALYSIS FORM (CONTINUED)

- a. *Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.*

This measure is inapplicable as the subject property is void of sensitive areas such as floodplains, slopes exceeding 25% percent, river corridors, etc.

- b. *Protection of water quality*

This measure is inapplicable as the subject property is void of sensitive areas such as floodplains, slopes exceeding 25% percent, river corridors, etc.

- c. *Minimization of negative impacts on existing infrastructure*

The building on the subject property has been in place for many years and for several years heretofore the subject property was utilized as a special event facility; so, this proposed use will have no additional or negative impact on existing infrastructure.

- d. *Minimization on archeological/historically significant areas*

The subject property is not in a archeological/ historically significant area.

- e. *Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries, and manufacturing facilities) uses*

There is no evidence of negative impacts as described above. There are no adverse conditions to the subject property that will be caused by the proposed use. All waste, water, and fire needs will be subject to County or City requirements. .

- f. *Creation and preservation of green space and open space*

No open space or green space will be impacted or created by the requested use.

- g. *Protection of citizens from the negative impacts of noise and lighting*

All noise generated by this use will be within the building located on the site. All activities at the Special Events facility shall terminate before 12:30 AM and will primarily occur on weekends. Surrounding uses are commercial/office, and should not be affected by the proposed use.

- h. *Protection of parks and recreational green space*

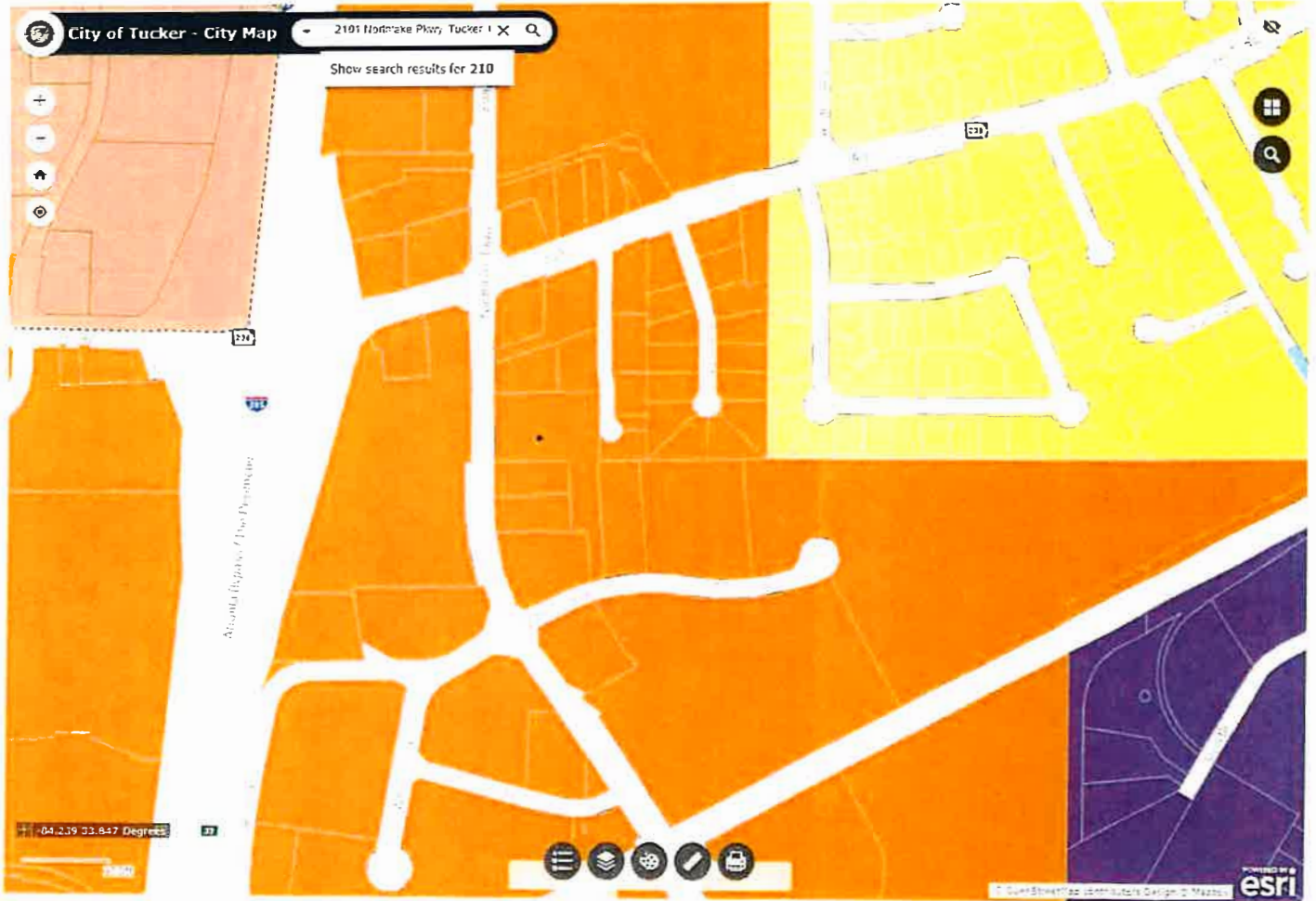
There will be no adverse effect on parks and recreational green space by the proposed use.

- i. *Minimization of impacts to wildlife habitats*

There will be no activities conducted outside of the building on the site and there will be no adverse effects on parks and recreational green space by the proposed use.

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