



Mayor & City Council  
Regular Meeting Agenda

Monday, July 8, 2024, 7:00 PM

Tucker City Hall

1975 Lakeside Pkwy, Ste 350B, Tucker, GA 30084

Members:

Frank Auman, Mayor  
Roger W. Orlando, Council Member District 1, Post 1  
Cara Schroeder, Council Member District 2, Post 1  
Alexis Weaver, Council Member District 3, Post 1  
Virginia Rece, Council Member District 1, Post 2  
Amy Trocchi, Council Member District 3, Post 2  
Vinh Nguyen, Council Member District 2, Post 2

Video: <https://www.tuckerga.gov/documents/>

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**Pages**

<b>A.</b>	<b>CALL TO ORDER</b>	
<b>B.</b>	<b>ROLL CALL</b>	
<b>C.</b>	<b>PLEDGE OF ALLEGIANCE</b>	
	The pledge will be led by the City of Tucker GRPA Baseball Teams	
<b>D.</b>	<b>MAYOR'S OPENING REMARKS</b>	
D.1	2024 Proclamation for Parks and Rec Month	4
<b>E.</b>	<b>PUBLIC COMMENTS</b>	
<b>F.</b>	<b>APPROVAL OF THE AGENDA</b>	
	<ul style="list-style-type: none"><li>Motion to approve/amend agenda</li></ul>	
<b>G.</b>	<b>CONSENT AGENDA</b>	
G.1	Regular Meeting Minutes - June 10, 2024	5
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<b>H.</b>	<b>OLD BUSINESS</b>	
H.1	Ordinance O2024-06-10	Courtney.Smith 33
	<ul style="list-style-type: none"><li>Second Read and public hearing of an Ordinance to consider a 12-month time extension or a termination of SLUP-22-0001, which was approved on May 9, 2022 per O2022-02-36.</li></ul>	

**I. NEW BUSINESS**

I.1	Ordinance O2024-07-11	Courtney.Smith	73
	<ul style="list-style-type: none"><li>• First Read and public hearing of an Ordinance for a Special Land Use Permit (SLUP-24-0003) and concurrent variances (CV-24-0003, CV-24-0004, and CV-24-0005) to allow a bank with a drive-thru ATM configuration at 3925 Lavista Road for applicant Southeastern Retail Development, LLC c/o Alec Lesley.</li></ul>		
I.2	Ordinance O2024-07-12	Courtney.Smith	163
	<ul style="list-style-type: none"><li>• First Read and public hearing of an Ordinance to amend the Tucker Code, Chapter 46 Zoning, including changes related to the business location approval process and minor changes to terminology/references.</li></ul>		
I.3	Ordinance O2024-07-13	Ted.Baggett	178
	<ul style="list-style-type: none"><li>• First Read of an Ordinance to Amend the Tucker Code of Ordinances Chapter 4 Alcoholic Beverages, Chapter 22 Land Development and Subdivisions, Chapter 26 Municipal Court, and Chapter 34 Signs to Update References and Identify the Appropriate Manner of Appeal</li></ul>		
I.4	Contract C2022-018-TO18-PO25-775	Ken.Hildebrandt	183
	<ul style="list-style-type: none"><li>• Consideration of a Task Order Contract Award for Idlewood Road Sidewalk Design</li></ul>		
I.5	Contract C2022-018-TO19-PO25-776	Ken.Hildebrandt	196
	<ul style="list-style-type: none"><li>• Consideration of a Task Order Contract Award for Sidewalk Design on Brockett Road</li></ul>		
I.6	Contract C2022-018-TO20-PO25-777	Ken.Hildebrandt	207
	<ul style="list-style-type: none"><li>• Consideration of a Task Order Contract Award for Mountain Industrial Boulevard Sidewalk Design</li></ul>		
I.7	Contract MOA-TSCID-C2022-2018-018-TO20-PO25-777	Ken.Hildebrandt	223
	<ul style="list-style-type: none"><li>• Consideration of a Memorandum of Agreement with the Tucker Summit Community Improvement District for design of sidewalk on Mountain Industrial Blvd.</li></ul>		
I.8	Contract C2024-07-08-PO25-00781	John. McHenry	226
	<ul style="list-style-type: none"><li>• Consideration of a contract for continued development of a Capital Project Management Program for FY25 with W &amp; A Engineering.</li></ul>		

**J. MAYOR AND COUNCIL COMMENTS**

**K. EXECUTIVE SESSION**

- As required for personnel, real estate and litigation

**L. ACTION AFTER EXECUTIVE SESSION**

- As needed

**M. ADJOURNMENT**



- Motion to adjourn meeting

# Proclamation



In recognition of  
Month

Parks and Recreation

July 2024

**Whereas**, Parks and Recreation is an integral part of communities throughout this country, including City of Tucker; and

**Whereas**, Parks and Recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer’s; and

**Whereas**, Parks and Recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

**Whereas**, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**Whereas**, it is most appropriate that we recognize the accomplishments of our City of Tucker Municipal Parks and Recreation staff led by Rip Robertson.

**Now, therefore let it be proclaimed**, by the Mayor and City Council of the City of Tucker in conjunction with the U.S. House of Representatives, that the month of July 2024 is recognized as Parks and Recreation Month.

**In witness whereof**, I have hereunto set my hand and caused the Seal of the City of Tucker to be affixed this July 8, 2024.

Attest:

\_\_\_\_\_  
Frank Auman, Mayor

\_\_\_\_\_  
Bonnie Warne, City Clerk



**MAYOR & CITY COUNCIL  
REGULAR MEETING MINUTES**

**Monday, June 10, 2024, 7:00 PM  
Tucker City Hall  
1975 Lakeside Pkwy, Ste 350B, Tucker, GA 30084**

Members Present: Frank Auman, Mayor  
Roger W. Orlando, Council Member District 1, Post 1  
Cara Schroeder, Council Member District 2, Post 1  
Alexis Weaver, Council Member District 3, Post 1  
Virginia Rece, Council Member District 1, Post 2  
Amy Trocchi, Council Member District 3, Post 2  
Vinh Nguyen, Council Member District 2, Post 2

Video: <https://www.tuckerga.gov/documents>

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**A. CALL TO ORDER**

Mayor Auman called the meeting to order at 7:00 PM.

**B. ROLL CALL**

The above were in attendance for a quorum. Councilmember V. Nguyen attended via Zoom due to being out of district.

**C. PLEDGE OF ALLEGIANCE**

The pledge was led by the Tucker Middle School WyldLife Group.

**D. MAYOR'S OPENING REMARKS**

P24-06 Proclamation Recognizing Municipal Court Clerks Week on June 10-14, 2024

Mayor Auman read the proclamation into the minutes and presented it to the Municipal Court Staff.

Mayor Auman stated that since last month 16 new OTC's (Occupational Tax Certificates) have been issued.

**E. PUBLIC COMMENTS**

Public comments were heard for 5 citizens in regard to tennis courts and pickleball courts, Juneteenth, and Work Force Housing.

**F. EXECUTIVE SESSION - As required for personnel, real estate and litigation**

MOVER: C. Schroeder

SECONDER: V. Rece

Motion to enter into Executive Session for the purpose of personnel, real estate and litigation at 7:18 PM passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, A. Trocchi, and V. Nguyen

**APPROVED (7 to 0)**

MOVER: A. Weaver  
SECONDER: C. Schroeder

Motion to exit Executive Session and return to the regular meeting at 7:43 PM passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, A. Trocchi, and V. Nguyen

**APPROVED (7 to 0)**

**G. ACTION AFTER EXECUTIVE SESSION - None**

**H. APPROVAL OF THE AGENDA**

MOVER: C. Schroeder  
SECONDER: V. Rece

Motion to approve the agenda as presented passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, A. Trocchi, and V. Nguyen

**APPROVED (7 to 0)**

**I. CONSENT AGENDA**

MOVER: C. Schroeder  
SECONDER: V. Rece

Motion to approve the Consent Agenda Items I.1 - I.6 as presented passed unanimously

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, A. Trocchi, and V. Nguyen

**APPROVED (7 to 0)**

- I.1 Regular Meeting Minutes - May 13, 2024
- I.2 Work Session Meeting Minutes - May 20, 2024
- I.3 Regular Meeting Minutes - May 28, 2024
- I.4 C2023-022-AMD-003 for the Fitzgerald Park Phase 2 Improvements
- I.5 C2023-016-TO15-PO24-00746 Stormwater Repair at 4652 Westhampton Circle
- I.6 C2023-016-TO18-PO24-00743 Stormwater Repair Hydrovac Cleaning

**J. STAFF REPORTS**

**J.1 Economic Development Pitch Deck Contract Award**

Jackie Moffo, Economic Development Director, spoke on the bid 2024-007 for an “Economic Development Pitch Deck” awarded to Incisive LLC. The goal of this deck is to provide marketing materials that would assist with the economic development efforts to attract new community minded employers, and position Tucker to be top of mind to the site consultants and regional economic development organizations. Scope of work includes working with city staff to create the following documents:

- A City of Tucker Community Profile (highlighting quality of life attributes of the community)
- A City of Tucker at A Glance
- Character Area Profiles (Character Areas as dictated by the Economic Development Strategic Plan)

- Tucker Target Industry Profiles (Target Industries as outlined in the Economic Development Strategic Plan)
- Tucker Small Business Resource Guide (Introduction to key regional small business support agencies and contact information, to be made available in different languages curated for specific underserved communities)

**K. OLD BUSINESS**

**K.1 Ordinance O2024-05-07**

Matthew Couper-Gardner, City Planner, spoke on the second read of an ordinance for a special land use permit (SLUP-24-0002) and concurrent variances (CV-24-0001 for front setback; CV-24-0002 for storefront fenestration) for a double drive-through restaurant at 4800 Briarcliff Road, NE for applicant Jim ‘N Nick’s Management, LLC.

Mayor Auman held a public hearing in which the applicants spoke in favor and one citizen spoke in opposition.

MOVER: C. Schroeder

SECONDER: R. Orlando

Motion to approve Ordinance O2024-05-07 with 6 conditions for SLUP-24-0002 with concurrent variances CV-24-0001 and CV-24-0002 passed.

AYES: (5): F. Auman, R. Orlando, C. Schroeder, V. Rece, and A. Trocchi

NAYES: (2): A. Weaver, and V. Nguyen

**APPROVED (5 to 2)**

**K.2 Ordinance O2024-05-08**

John McHenry, City Manager, spoke on the proposed FY2025 Operating and Capital Budgets. Changes since the first read of the FY25 Budget include:

1. For staff salaries, an across the board 3.5% adjustment to address current economic conditions. Current inflation is 3.4%.
  - \* The merit based of up to 3% adjustment remains.
  - \* An employee could get up to 6.5%.
2. Changing nomenclature on Tucker Town Green Construction Management - \$650K
  - \* New title “Construction Administration/Inspections for City Projects”.
  - \* This will allow for more flexibility as we develop a comprehensive approach to Construction Administration.
3. Per the City Charter, the City Manager has the responsibility to set the salaries and compensation for personnel upon the adoption by the City Council.
  - \* Minor changes related to titles and ranges to best reflect market.

Mayor Auman held a public hearing in which nobody spoke in favor and one citizen spoke in opposition.

MOVER: V. Rece

SECONDER: C. Schroeder

Motion to approve Ordinance O2024-05-08 adopting the Budget for FY25 presented and to approve a salary adjustment increase for the City Manager and City Clerk that includes the cost of living 3.5% and maximum merit increase for a total of 6.5% for each passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, A. Trocchi, and V. Nguyen

**APPROVED (7 to 0)**

**L. NEW BUSINESS**

L.1 Ordinance O2024-06-09

Beverly Hilton, Finance Director, spoke on the first read of an Ordinance for a rollback millage rate of 2.096 for 2024 Property Tax levy on real and personal property.

Mayor Auman held a public hearing in which nobody spoke in favor or opposition.

**FIRST READ**

L.2 Ordinance O2024-06-10

Courtney Smith, Community Development Director, spoke on the first read of an Ordinance to consider a 12-month time extension or termination of SLUP-22-0001 approved on May 9, 2022. The Tucker Zoning Ordinance does not allow for major modification of special land use permits, so any changes to the approved SLUP would require a new SLUP application.

Mayor Auman held a public hearing in which the applicant spoke in favor, and nobody spoke in opposition.

**FIRST READ**

**M. MAYOR AND COUNCIL COMMENTS**

The Mayor and Council thanked everyone for attending, mentioned the Juneteenth event, and reminded all that during public comments and public hearings the citizens can say what they want but Council does not reply during their speak time.

**N. ADJOURNMENT**

MOVER: C. Schroeder

SECONDER: V. Rece

Motion to adjourn the meeting at 9:27 PM passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, A. Trocchi, and V. Nguyen

**APPROVED (7 to 0)**

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APPROVED: Frank Auman, Mayor

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ATTEST: Bonnie Warne, Clerk

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Date Approved



**MAYOR & CITY COUNCIL  
REGULAR MEETING MINUTES**

**Wednesday, June 26, 2024, 7:00 PM  
Tucker City Hall  
1975 Lakeside Pkwy, Ste 350B, Tucker, GA 30084**

**Council Members Present:** Frank Auman, Mayor  
Roger W. Orlando, Council Member District 1, Post 1  
Cara Schroeder, Council Member District 2, Post 1  
Alexis Weaver, Council Member District 3, Post 1  
Virginia Rece, Council Member District 1, Post 2  
Vinh Nguyen, Council Member District 2, Post 2

**Council Members Absent:** Amy Trocchi, Council Member District 3, Post 2

**Video:** <https://www.tuckerga.gov/documents>

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**A. CALL TO ORDER**

Mayor Auman called the meeting to order at 7:00 PM.

**B. ROLL CALL**

The above were in attendance for a quorum. Roger Orlando attended via ZOOM. Amy Trocchi was absent due to out of district.

**MOVER:** A. Weaver

**SECONDER:** V. Rece

Motion to excuse Amy Trocchi was made by Alexis Weaver and seconded by Virginia Rece.

**AYES:** (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

**ABSENT:** (1): A. Trocchi

**APPROVED (6 to 0)**

**C. PLEDGE OF ALLEGIANCE**

Council, staff and guests joined for the Pledge of Allegiance.

**D. MAYOR'S OPENING REMARKS**

Mayor Auman spoke about the upcoming City event on July 3rd to celebrate Independence day and gave a reminder about street closings and start/end times for the event.

**E. APPROVAL OF THE AGENDA**

Motion to approve the agenda as presented passed unanimously.

**MOVER:** C. Schroeder

**SECONDER:** V. Rece

Motion to approve the agenda as presented passed unanimously.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

**F. CONSENT AGENDA**

**MOVER:** V. Rece

**SECONDER:** C. Schroeder

Motion to approve the consent agenda item F.1 as presented passed unanimously.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

F.1 C2022-018-TO14-PO24-694-AMD-01 Contract Amendment for Richardson Street Design

**G. PRESENTATIONS**

G.1 City Standard Guidebook Kick Off with TSW

Courtney Smith introduced Adam Williamson of TSW who spoke about the City Standard Guidebook development and introduced three (3) possible signage themes. Several Council members including V. Ngyuen, C. Schroeder, V. Rece, A. Weaver and Mayor Auman asked questions, provided feedback, and asked for clarification on some points.

**H. STAFF REPORTS**

H.1 City Manager: Report Upcoming Agenda Items

John McHenry, City Manager, gave an overview of agenda items for upcoming Council meetings including 7/8/2024 and 7/22/2024.

H.2 Finance Department: May 2024 Interim Financials

Beverly Hilton, Finance Director presented May 2024 Interim Financials.

**I. OLD BUSINESS**

I.1 Ordinance O2024-06-09

Beverly Hilton, Finance Director, spoke on the second read of an Ordinance for a rollback millage rate of 2.096 for 2024 Property Tax levy on real and personal property.



**MOVER:** A. Weaver

**SECONDER:** V. Rece

Motion to approve Ordinance O2024-06-09 passed unanimously as presented.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

**J. NEW BUSINESS**

J.1 Resolution R2024-06-16

Courtney Smith, Community Development Director, spoke on the update of our fee schedule for fiscal year 2025 to reflect our new fire marshal services, the new opening of a business in Tucker process, and to comply with HB 461.

**MOVER:** V. Nguyen

**SECONDER:** V. Rece

Motion to approve Resolution R2024-06-16 passed unanimously as presented.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

J.2 Resolution R2024-06-17

Beverly Hilton, Finance Director, spoke on a Resolution to authorize and direct the execution and delivery of certain lease documents; to provide a statement by legislative findings and intent; and to designate such leases as qualified tax-exempt obligations. Georgia Municipal Association's Direct Lease Program provides 100% financing for essential equipment at attractive rates and flexible payment terms.

**MOVER:** C. Schroeder

**SECONDER:** V. Rece

Motion to approve Resolution R2024-06-17 passed unanimously as presented.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

J.3 Contract C2024-008-PO24-765

Sonja Szubski, Communications Director, spoke on the award for the bid for City Communications Strategic Plan, including Crisis Communications, Brand Standards and Social Media Policy. Staff recommended Incisive LLC for \$45,000.

**MOVER:** C. Schroeder

**SECONDER:** V. Rece

Motion to approve contract Contract C2024-008-PO24-765 passed unanimously as presented.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

J.4 Contract C2024-011-PO24-763 adopted by Resolution R2024-06-18

Ken Hildebrandt, City Engineer, and Jack Smith, Capital Projects Engineer, spoke on the bid award for Fellowship Road Safety Improvement Project includes the following:

- Reduce the northbound lanes between the CSX railroad bridge to Lavista Road from 2 to 1.
- Restripe the northbound lanes to provide a left turn lane from Fellowship onto Lavista.
- Modify the traffic signal at the Fellowship/Lavista intersection to include a left turn signal.
- Install two short, landscaped islands.
- Prohibit left turns at the 2<sup>nd</sup> Street intersection with Fellowship Road.
- Install a signalized pedestrian crossing south of the 1<sup>st</sup> Avenue intersection.

Eight (8) bids were received. Staff recommends award to R&B Developer, Inc. for \$229,599.30.

**MOVER:** A. Weaver

**SECONDER:** C. Schroeder

Motion to approve Contract C2024-011-PO24-763 adopted by Resolution R2024-06-18 as presented passed unanimously.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

J.5 Contract C2024-012-PO24-764 adopted by Resolution R2024-06-19

Ken Hildebrandt, City Engineer, and Jack Smith, Capital Projects Engineer, spoke on Award the Bid for Hugh Howell Road Trail Phase 2 project to include a concrete trail will be 10' wide with a 5' grass strip. It will consist of two segments: a 750' segment in front of Crespac, and a 1900' section that extends the existing trail at Marthasville Court to Stratmor Drive. Fourteen (14) bids were received. Staff recommends that the bid be awarded to 9 Yards Infrastructure for \$1,021,218.00.

**MOVER:** V. Rece

**SECONDER:** R. Orlando

Motion to approve Contract C2024-012-PO24-764 adopted by Resolution R2024-06-19 as presented passed unanimously.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

J.6 Contract C2024-013-PO24-767 adopted by Resolution R2024-06-20

Ken Hildebrandt, City Engineer, and Jack Smith, Capital Projects Engineer, spoke on the bid award for the Hugh Howell Road Sidewalk which includes a sidewalk the north side of Hugh Howell Road from Lawrenceville Highway to Mountain Industrial Boulevard. The sidewalk will be widened to 10' from Tucker Industrial Rd to Mountain Industrial Blvd to become a part of the trail network. Fifteen (15) bids were received. Staff recommends that the bid be awarded to Azimuth Contractors for \$360,538.90.

**MOVER:** V. Rece

**SECONDER:** R. Orlando

Motion to approve Contract C2024-013-PO24-767 adopted by Resolution R2024-06-20 as presented passed unanimously.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

**K. MAYOR AND COUNCIL COMMENTS**

None

**L. EXECUTIVE SESSION**

**MOVER:** C. Schroeder

**SECONDER:** V. Nguyen

Motion to enter into Executive Session for the purpose of personnel, real estate and litigation at 9:00 PM.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

**MOVER:** C. Schroeder

**SECONDER:** V. Nguyen

Motion to exit Executive Session and return to the Regular Meeting at 9:47PM.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

**M. ACTION AFTER EXECUTIVE SESSION**

None taken.

**N. ADJOURNMENT**

**MOVER:** C. Schroeder

**SECONDER:** A. Weaver

Motion to adjourn meeting at 9:50 PM.

AYES: (6): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, and V. Nguyen

ABSENT: (1): A. Trocchi

**APPROVED (6 to 0)**

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APPROVED: Frank Auman, Mayor

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ATTEST: Bonnie Warne, Clerk

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Date Approved

SEAL

## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Ishri Sankar, PE  
**CC:** John McHenry, City Manager  
**Date:** July 08, 2024  
**RE:** Memo for Amendment to Contract - C2023-016-TO14-PO24-697-AMD-001 for Stormwater repair

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**Contract/Document Number:** Contract C2023-016-TO14-PO24-697-AMD-001

### Description for on the Agenda:

Consideration of an Amendment to a Task Order Contract previously approved by the City of Tucker's Mayor and City Council for conditions encountered which are slightly different than expected.

### Issue:

The conduits (pipes) in this task order have more debris than originally anticipated. Originally the Public Works staff expected to see less than 25% blockage, however, upon further investigation and work, these conduits are more than 25%. Additionally, heavy roots were encountered in the pipes. As such, larger/specialized equipment, and labor is required to adequately clean the pipes prior to a video inspection.

Below are some pictures of the field conditions for reference. Please note the volume of dirt/debris, and the large rocks.



### Recommendation:

City staff recommends approval of this contract amendment.

### Financial Impact:

<b>Original Contract:</b>	<b>\$ 95,824.90</b>
<b>Additional Request:</b>	<b>\$ 21,405.10</b>
<b>Revised Contract:</b>	<b>\$ 117,230.00</b>



# City of Tucker

## CONTRACT AMENDMENT AGREEMENT

### **C2023-016-TO14-PO24-697-AMD-001 Task Order #14 Storm System Repairs**

This CONTRACT AMENDMENT AGREEMENT (“Amendment”) is dated this \_\_\_\_ day of \_\_\_\_\_, in the year 2024 (the “effective Date”), by and between the City of Tucker, GA located at 1975 Lakeside Parkway, Suite 350, Tucker, GA 30084, and CAJENN CONSTRUCTION AND REHABILITATION SERVICES, INC.

WHEREAS, the Parties entered into Contract Agreement C2023-016-TO14-PO24-697 (“Original Contract”) on April 3, 2024; and

WHEREAS, the Parties hereby agree to amend the Original Contract in accordance with the terms of the Original Contract as well as the terms provided herein.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties mutually covenant and agree as follows:

- \* The Parties agree to amend the Original Contract, which is attached hereto as Attachment B so that the Scope of Work includes the additional work that has been added to the project in accordance with the Revised Scope and Cost Proposal attached hereto as Attachment A.
- \* The Parties agree to amend the Original Contract so that the Not to Exceed amount is increased to \$117,230.00 This is an increase of \$21,405.10 to the total Not to Exceed amount in the original contract of \$95,824.90.
- \* This Amendment binds and benefits both Parties and any successors or assigns. This document, including the attached Original Contract, is the entire agreement between the Parties.

All other terms and conditions of the Original Contract remain unchanged.

ATTACHMENT A: Revised Scope and Cost Proposal

ATTACHMENT B: Original Contract

This agreement shall be signed by:

\_\_\_\_\_  
City of Tucker

\_\_\_\_\_  
Cajenn Construction and Rehabilitation  
Services, Inc.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

SEAL

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Bonnie Warne, City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
Ted Baggett, City Attorney

## ATTACHMENT A

### CHANGE ORDER SCOPE OF WORK

The original quote assumed cleaning of the 1900 linear feet of storm conduit that involved conduits that are less than 25% full. As the contractor mobilized on the 8 locations, they have discovered that the amount of cleaning requires them to use the unit price line item of cleaning conduits that are greater than 25% full. Another adjustment is that about 200 linear feet of conduit have heavy roots, large diameter rocks and debris, which requires them to use the unit price line item of 'specialty storm line cleaning'. Additionally, it was determined that a catch basin top was going to need to be replaced at 4192 Chatford Cove to be able to access the storm conduit system.

UNIT PRICE SCHEDULE		Cajenn	Task 14 Totals		Proposed Change Order		Task 14 Totals w/CO		
Item	Unit	Contracted Price	Estimated Qty	Estimated Total	Qty	Total	Qty	Total	
<b>General Conditions</b>									
1	Mobilization	EA	\$ 2,400.00	8	\$ 19,200.00			8	\$ 19,200.00
<b>Traffic Control</b>									
5	Traffic Control Minor 2 – Includes Cones and Signage	Per Day	\$ 2,000.00	8	\$ 16,000.00	8	\$ 16,000.00	16	\$ 32,000.00
<b>TV Inspection and Jet-Vac Cleaning</b>									
8	TV Storm Lines (includes DVD & Report)	LF	\$ 5.00	1908	\$ 9,540.00	-18	\$ (90.00)	1890	\$ 9,450.00
9	Visual Inspection (Pictures), per Project (During Construction)	EA	\$ 250.00		\$ -				
10	Hydro-Excavation complete (onsite hours only)	Per Hour	\$ 370.00	64	\$ 23,680.00			64	\$ 23,680.00
<b>Storm Line Cleaning (less than 25% full)</b>									
13	18" PIPE - Cleaning less than 25% full	LF	\$ 7.00	1028	\$ 7,196.00	-185	\$ (1,295.00)	843	\$ 5,901.00
15	24" PIPE - Cleaning less than 25% full	LF	\$ 8.00	170	\$ 1,360.00	-170	\$ (1,360.00)		\$ -
16	30" PIPE - Cleaning less than 25% full	LF	\$ 8.00	40	\$ 320.00	-40	\$ (320.00)		\$ -
17	36" PIPE - Cleaning less than 25% full	LF	\$ 9.00	370	\$ 3,330.00	-120	\$ (1,080.00)	250	\$ 2,250.00
18	42" PIPE - Cleaning less than 25% full	LF	\$ 9.00	300	\$ 2,700.00	-180	\$ (1,620.00)	120	\$ 1,080.00
<b>Storm Line Cleaning (25% full or greater)</b>									
30	18" PIPE - Cleaning 25% full or greater	LF	\$ 13.00	0	\$ -	185	\$ 2,405.00	185	\$ 2,405.00
34	36" PIPE - Cleaning 25% full or greater	LF	\$ 17.00	0	\$ -	120	\$ 2,040.00	120	\$ 2,040.00
35	42" PIPE - Cleaning 25% full or greater	LF	\$ 19.00	0	\$ -	180	\$ 3,420.00	180	\$ 3,420.00
<b>Specialty Storm Line Cleaning,</b>									
Applicable to heavy roots, Large diameter rocks, large debris, etc									
45	12" to 36" PIPE	LF	\$ 62.00	0	\$ -	144	\$ 8,928.00	144	\$ 8,928.00
46	42" to 96" PIPE	LF	\$ 87.00	0	\$ -	48	\$ 4,176.00	48	\$ 4,176.00
<b>Miscellaneous &amp; Special Structures/Components</b>									
201	Precast Replacement Top Only for Double Wing w/Ring & Cover, not	EA	\$ 2,700.00	0	\$ -	1	\$ 2,700.00	1	\$ 2,700.00
				Sub Total	\$ 83,326.00		\$ 33,904.00		\$ 117,230.00
***** END OF SPECIFICATIONS *****				15% Contingency	\$ 12,498.90		\$ (12,498.90)		\$ -
				Total	\$ 95,824.90		\$ 21,405.10		\$ 117,230.00





**STORMWATER MAINTENANCE AND REPAIR  
CONTRACT AGREEMENT (RFP 2023-016)  
TASK ORDER #14**

**STORM SYSTEM REPAIRS**

This TASK ORDER between the parties is entered pursuant to the CONTRACT AGREEMENT (RFP #2023-016) and shall serve as authorization by the City of Tucker to CAJENN CONSTRUCTION AND REHABILITATION SERVICES, INC. (“CONTRACTOR”) to perform the services described herein pursuant to the terms and conditions, mutual covenants and promises provided herein and in the CONTRACT AGREEMENT (RFP #2023-016). Now therefore, the parties agree as follows:

**Locations of Project:**

1. 1885 Mountain Creek Drive, Tucker, GA
2. 3440 Montreal Way, Tucker, GA
3. 2433 Henderson Pines Court, Tucker, GA
4. 4239 Fontana Court, Tucker, GA
5. 2519 Lake Erin Drive, Tucker, GA
6. 4159 Oak Crest Drive, Tucker, GA
7. 4192 Chatford Cove, Tucker, GA
8. 2119 Spencers Way, Tucker, GA

**Description of Services:** The Contractor shall furnish all equipment, tools, skill, labor of every description, and all things necessary to carry out as delineated in “Exhibit A” (Scope of Work) and complete in a good, firm, substantial and workmanlike manner, the Work in strict conformity with the specifications which shall form an essential part of this agreement. Specific tasks to be completed under the scope of this TASK ORDER (the “WORK”) shall comply with the unit prices provided in the Contract Agreement (RFP #2023-016) with an established Not to Exceed total that the Contractor exceeds at its own risk.

**CONTRACTOR Deliverables to CITY:**

- Completed work per Exhibit A – SCOPE OF WORK

**Design Specifications and Guidelines:**

The fee to be paid pursuant to this task order shall be the total amount identified in Exhibit B as **\$83,326.00**. Provided, however, that upon a satisfactory showing of a legitimate contingency by contractor to the city, an additional amount covering such contingency up to no more than 15% of said fee may be paid, such that the total amount authorized for payment under this task order shall in no event exceed **\$95,824.90**.

**General Scope of Service:** The WORK under this TASK ORDER shall be commenced upon the Contractor's receipt of the Notice to Proceed ("NTP"). The WORK shall be completed within 180 calendar days of the NTP. Specific tasks to be completed under the scope of this agreement shall be at the direction of the City of Tucker Director of Public Works.

Itemized invoices delineating hours worked by each individual position in accordance with the fixed hourly rates for work done by each position as identified in "Exhibit B" (Cost Proposal) and the CONTRACT AGREEMENT (RFP #2023-016) shall be submitted by the CONTRACTOR via email to [invoice@tuckerga.gov](mailto:invoice@tuckerga.gov). Invoices will be paid in arrears not more than once every 30 days.

Performance will be monitored to ensure compliance with the City's expectations. The CONTRACTOR shall prepare a Schedule of Completion showing milestone completion dates based on completing the WORK within 180 calendar days of the NTP. A Status Report describing actual work accomplishments and percentage of completion shall be submitted with invoices. This report shall include a description of problem areas, current and anticipated delaying factors and their impact, explanations of corrective actions taken or planned, and any newly planned activities or changes in sequence.

The CONTRACTOR shall be responsible for the professional quality, technical accuracy, and coordination of interpreting any and all designs, drawings, specifications, and other services furnished by or on behalf of the City pursuant to this TASK ORDER. The CONTRACTOR shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the designs, drawings, specifications, and other services furnished for this TASK ORDER. All revisions shall be coordinated with the CITY prior to issuance. The CONTRACTOR shall also be responsible for any claim, damage, loss, or expense from the incorrect interpretation of provided designs, drawings, and specifications pursuant to this TASK ORDER.

The CONTRACTOR agrees that fees are earned pursuant to the WORK performed, which shall comply with the unit prices provided in CONTRACT AGREEMENT (RFP #2023-016). Any work performed above the established Not to Exceed Fee shall be at the Contractor's risk.

If the City in good faith determines that the CONTRACTOR has failed to perform or deliver any service or product as required, the CONTRACTOR shall not be entitled to any compensation under the Contract until such service or product is performed or delivered. In this event, the City may withhold that portion of the CONTRACTOR'S compensation which represents payment for services or products that were not performed or delivered. To the extent that the

CONTRACTOR'S failure to perform or deliver in a timely manner causes the City to incur costs, the City may deduct the amount of such incurred costs from any amounts payable to CONTRACTOR. The City's authority to deduct such incurred costs shall not in any way affect the City's authority to terminate the Contract. If the CONTRACTOR owes the City any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the City may set off the sum owed to the City against any sum owed by the City to the CONTRACTOR in the City's sole discretion.

**Attachments:**

- EXHIBIT A – SCOPE OF WORK
- EXHIBIT B – COST PROPOSAL (in accordance with rates established in RFP 2023-016)

CITY OF TUCKER:

CONTRACTOR: CAJENN CONSTRUCTION AND REHABILITATION SERVICES, INC.

By: [Signature]  
 Title: Mayor  
 Name: Frank Auman  
 Date: 4/3/2024

By: [Signature]  
 Title: President  
 Name: Cristy S Jennings  
 Date: 3-27-2024

Attest: [Signature]  
 Bonnie Warner, City Clerk (Seal)  
 Lisa Owen, Deputy City Clerk



Approved as to form:  
[Signature]  
 Ted Baggett, City Attorney  
 Cheyenne Hunt



**FY 2024 Storm System Repairs, Task 14**

February 20, 2024

**Request for Quote, Cajenn**

The selected contractor is requested to provide a proposed unit price to not exceed amount based on the categories and unit prices provided per the contract for RFP 2023-016 to provide video inspection (and associated cleaning necessary for video inspection) of stormwater pipes at 8 locations (22, 25 thru 28, 30 thru 32) throughout the city.

FY 2024 Video Capture of Existing Pipe Conditions								
	Location	# Structures	Length of Pipe	Size of Pipe	No of Barrels	Pipe Material	Live Stream	Notes
		EA	LF	IN	EA		Y/N	
22	1885 MOUNTAIN CREEK DRIVE	2	185	18	1	CMP	N	CMP PIPE IN NEED OF LINING AND SIGNS OF SINKHOLES ALONG LENGTH
25	3440 MONTREAL WAY	3	153	18	1	CMP	N	SINKHOLES MANIFESTING
26	2433 HENDERSON PINES COURT	2	170	18	1	CMP	N	EXPOSED JOINT FAILURE, SERIES OF SINKHOLES
27	4239 FONTANA COURT	2	170	24	1	CMP	N	SINKHOLES MANIFESTING
		2	40	30				ADD STREET SEGMENT
28	2519 LAKE ERIN DRIVE	1	120	36	1	CMP	N	DETERMINE IF AN INLINE BURIED STRUCTURE EXISTS, INVERT CORRODED OUT
		3	180	42				PIPE AT CB IN FAIR CONDITION
30	4159 OAK CREST DRIVE	2	120	42	1	CMP	N	The sinkhole has formed close to or below the junction box where three pipes meet. The sinkhole is several feet deep and will have to be addressed by one of the on-call contractors. The pipe downstream from this drainage system is rusted as well.
		2	120	18	1	CMP	N	
31	4192 CHATFORD COVE	3	250	36	1	CMP	N	CONFIRM PRESENCE / LOCATION OF JB AND ASSESS FOR CONDUIT CONDITION
32	2119 SPENCERS WAY	4	400	18	1	CMP	N	FAILURE AT DOWNSTREAM JB - DETERMINE EXTENT OF SCOPE OF WORK

The quote shall be generated based upon the categories and unit prices per the contract agreement associated with RFP 2023-016 between the City and the selected contractors and can be submitted to Jeff Mueller, Public Works Deputy Director via email at [jmueller@tuckerga.gov](mailto:jmueller@tuckerga.gov), by 4:00 PM on Friday, March 1, 2024.

The contractor is advised to visit the site. If you would like to have a meeting on site with Public Works staff, contact Jeff Mueller via email or at 470-714-8494.

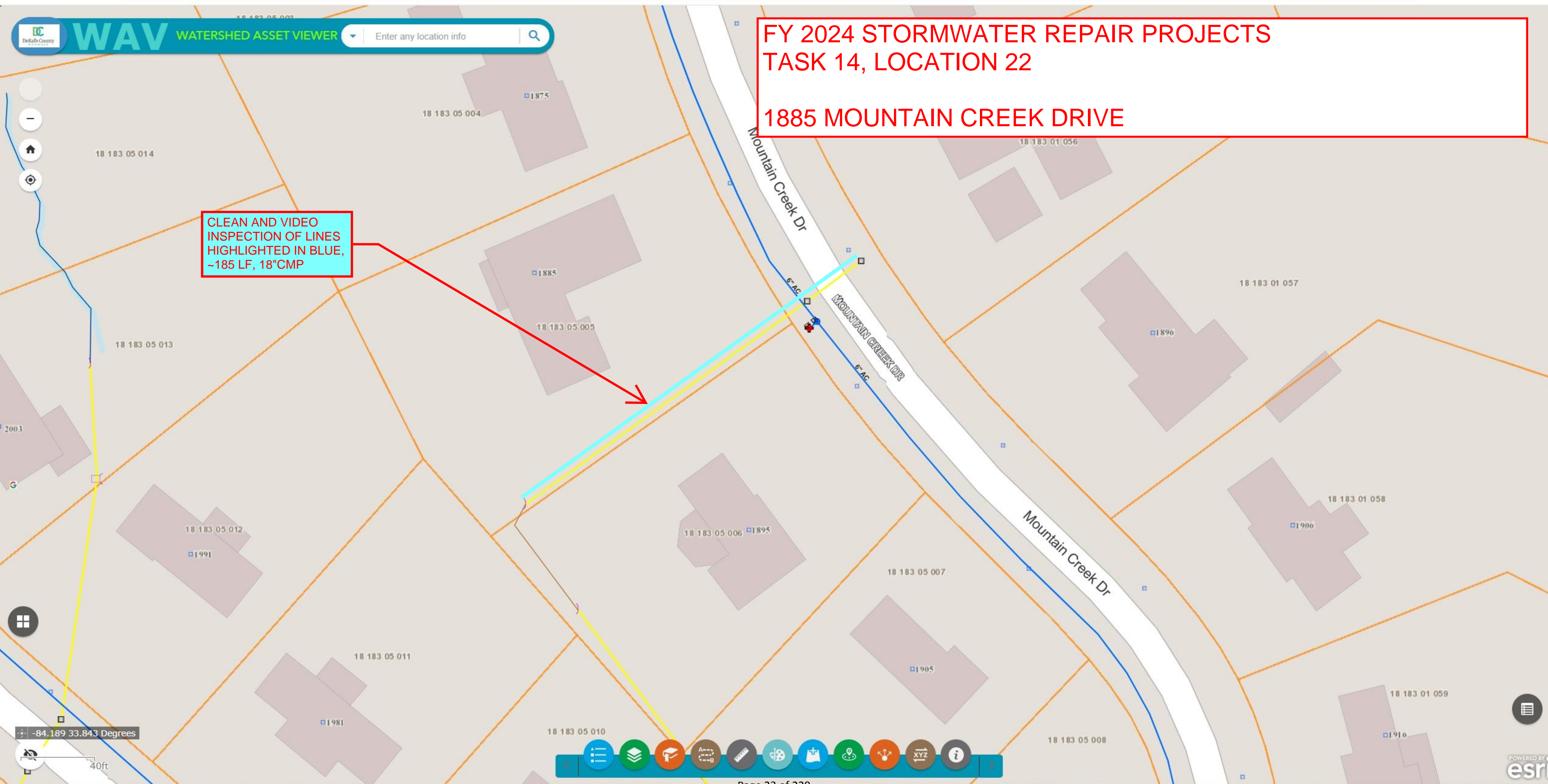
The city will obtain all necessary easements and right of entries which may be necessary to execute the repair.

Thank you for your interest in the City of Tucker.



FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 22  
1885 MOUNTAIN CREEK DRIVE

CLEAN AND VIDEO  
INSPECTION OF LINES  
HIGHLIGHTED IN BLUE,  
~185 LF, 18" CMP



-84.189 33.843 Degrees

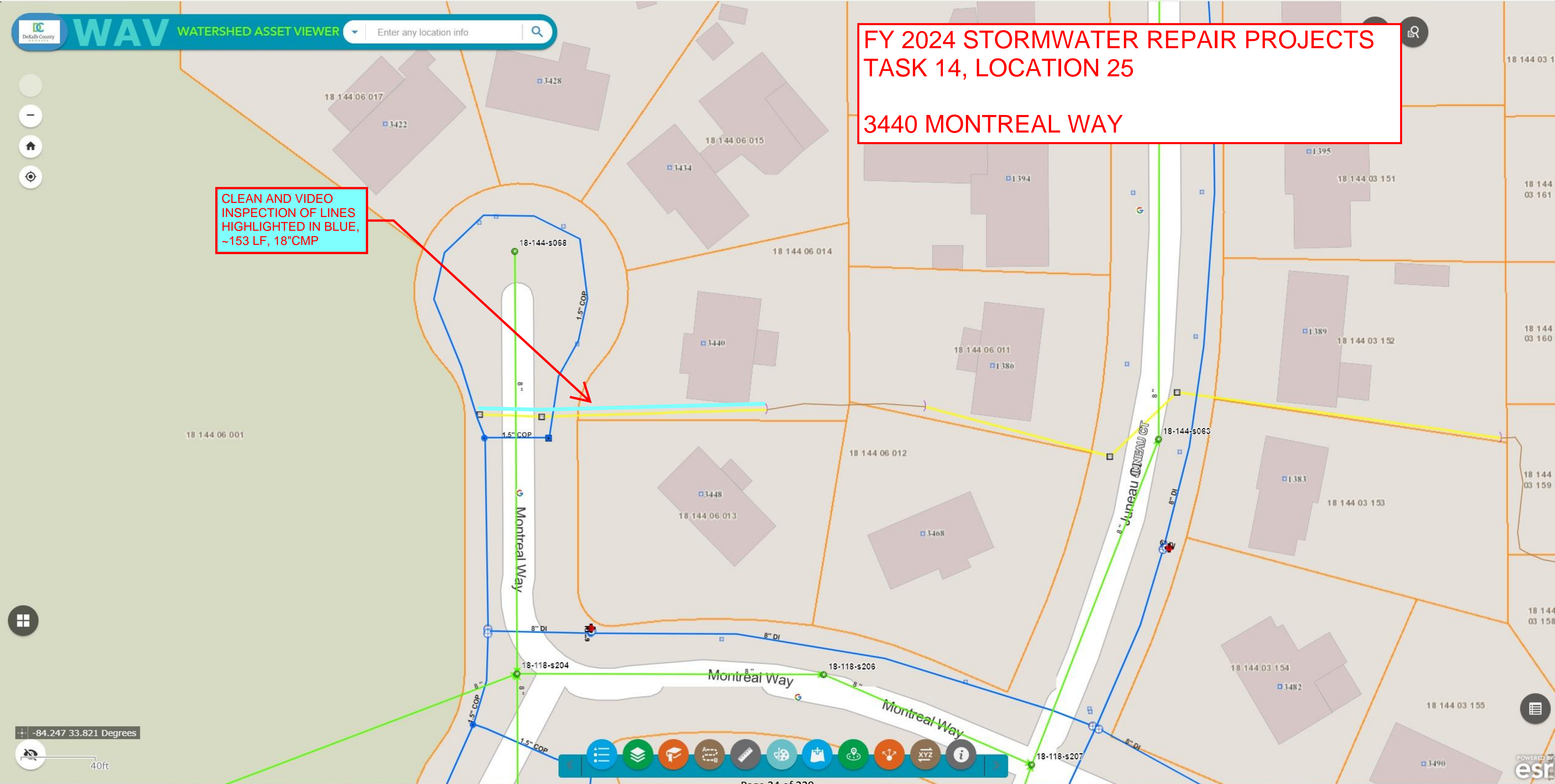
40ft





FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 25  
3440 MONTREAL WAY

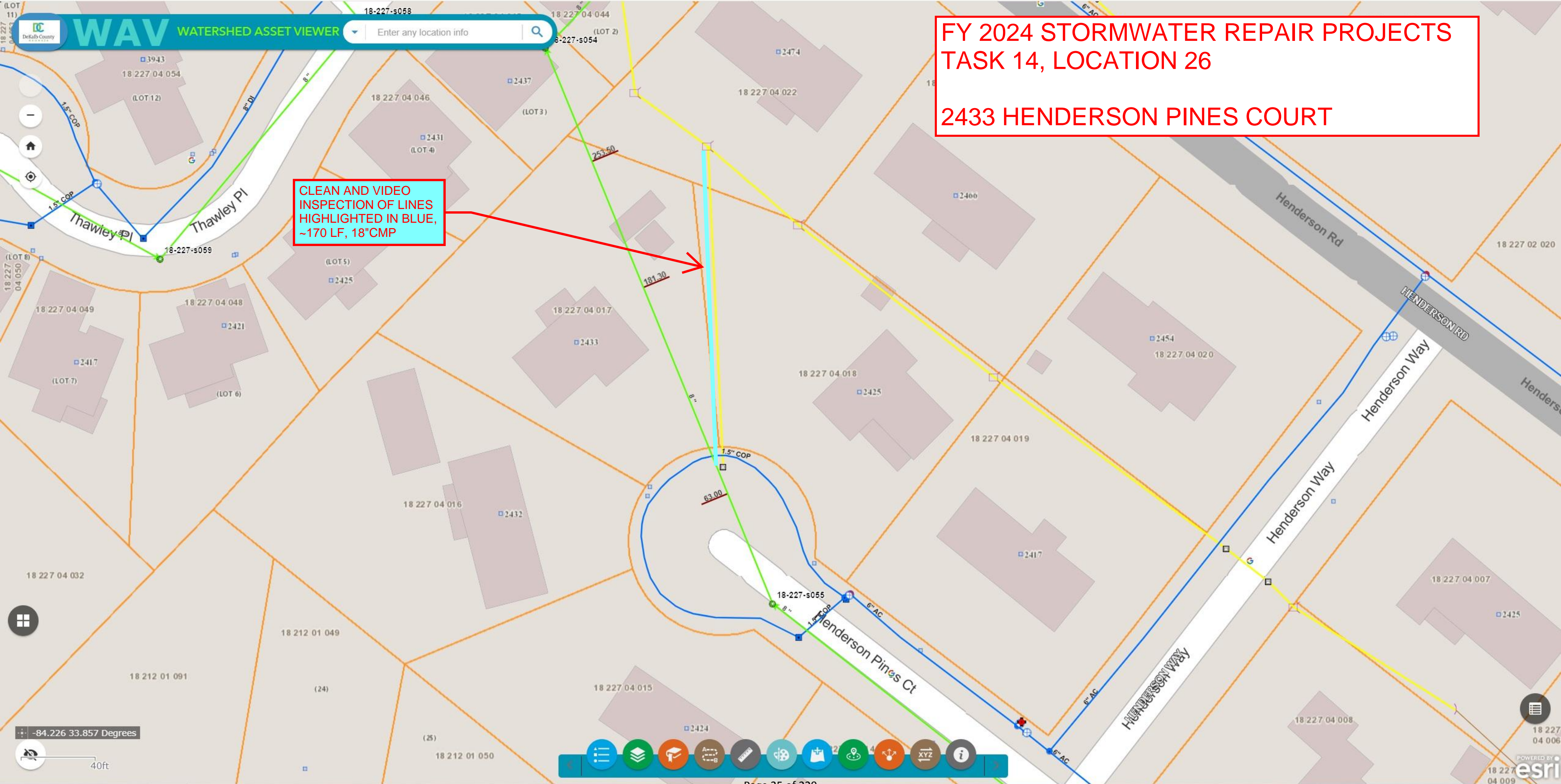
CLEAN AND VIDEO  
INSPECTION OF LINES  
HIGHLIGHTED IN BLUE,  
~153 LF, 18" CMP



-84.247 33.821 Degrees

40ft





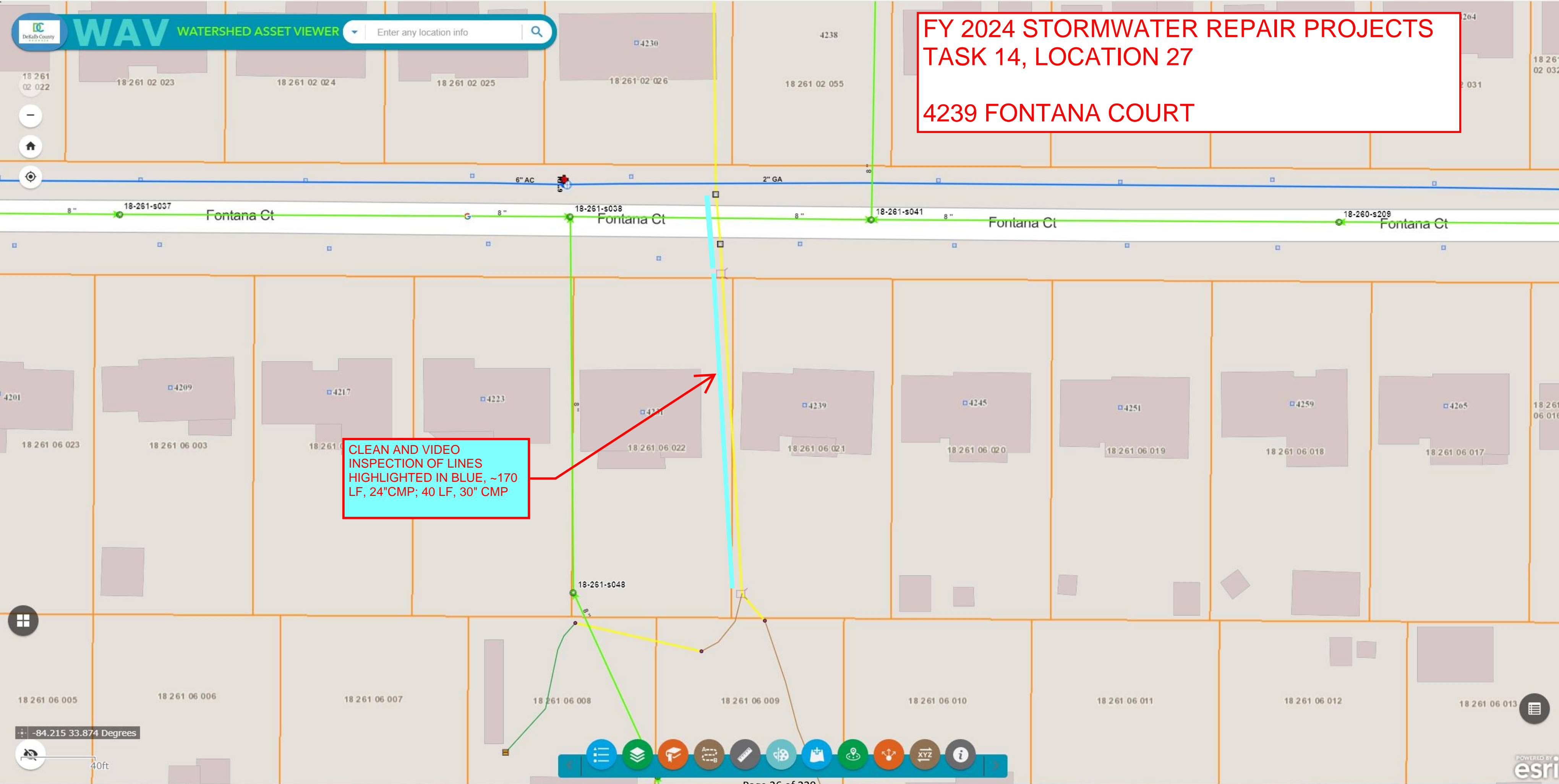
FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 26  
2433 HENDERSON PINES COURT

CLEAN AND VIDEO  
INSPECTION OF LINES  
HIGHLIGHTED IN BLUE,  
~170 LF, 18\"



**WAV** WATERSHED ASSET VIEWER

**FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 27  
4239 FONTANA COURT**



**CLEAN AND VIDEO  
INSPECTION OF LINES  
HIGHLIGHTED IN BLUE, ~170  
LF, 24" CMP; 40 LF, 30" CMP**

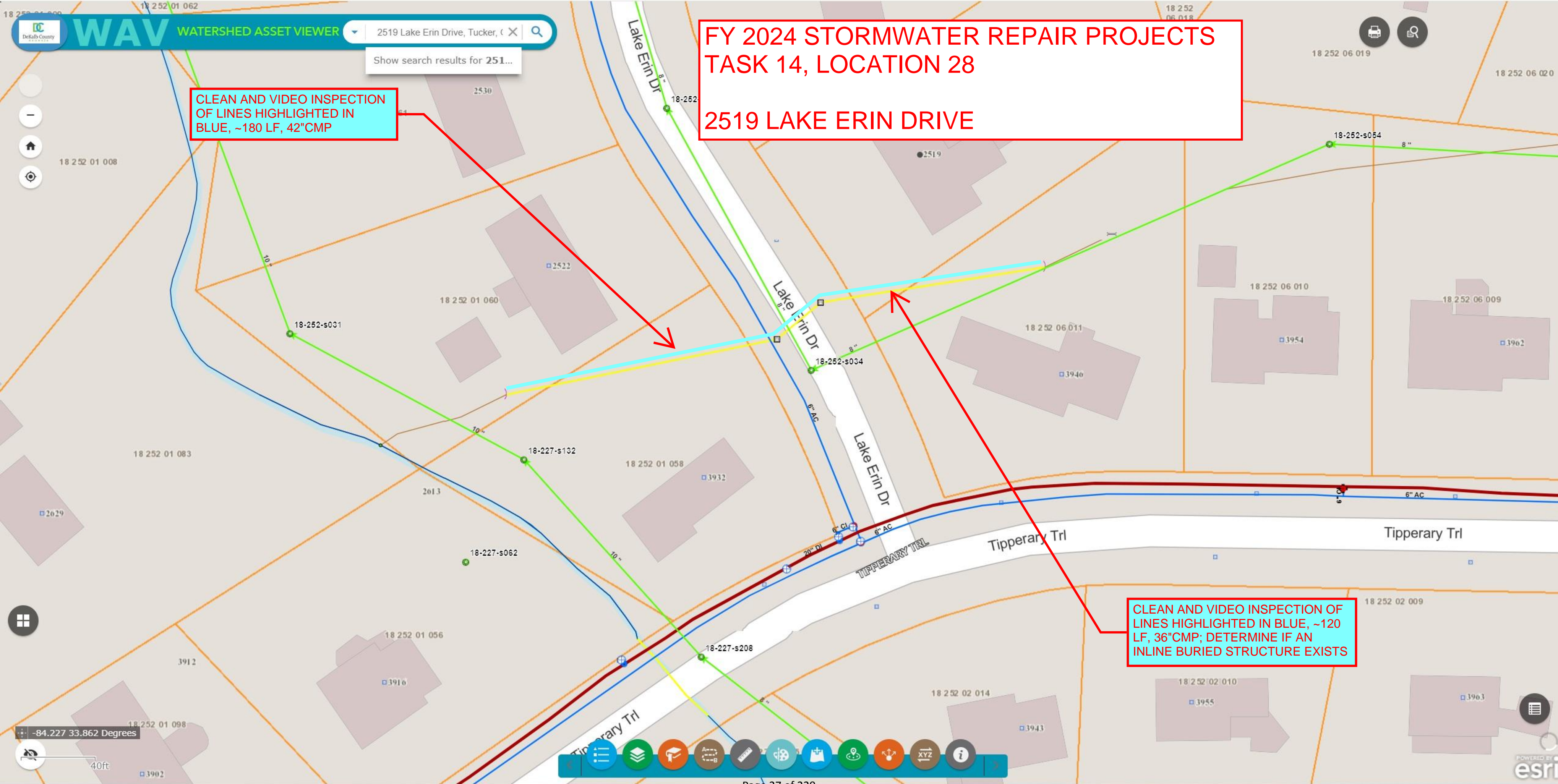
Map navigation toolbar with icons for layers, home, search, and other GIS functions.



**FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 28  
2519 LAKE ERIN DRIVE**

CLEAN AND VIDEO INSPECTION OF LINES HIGHLIGHTED IN BLUE, ~180 LF, 42" CMP

CLEAN AND VIDEO INSPECTION OF LINES HIGHLIGHTED IN BLUE, ~120 LF, 36" CMP; DETERMINE IF AN INLINE BURIED STRUCTURE EXISTS

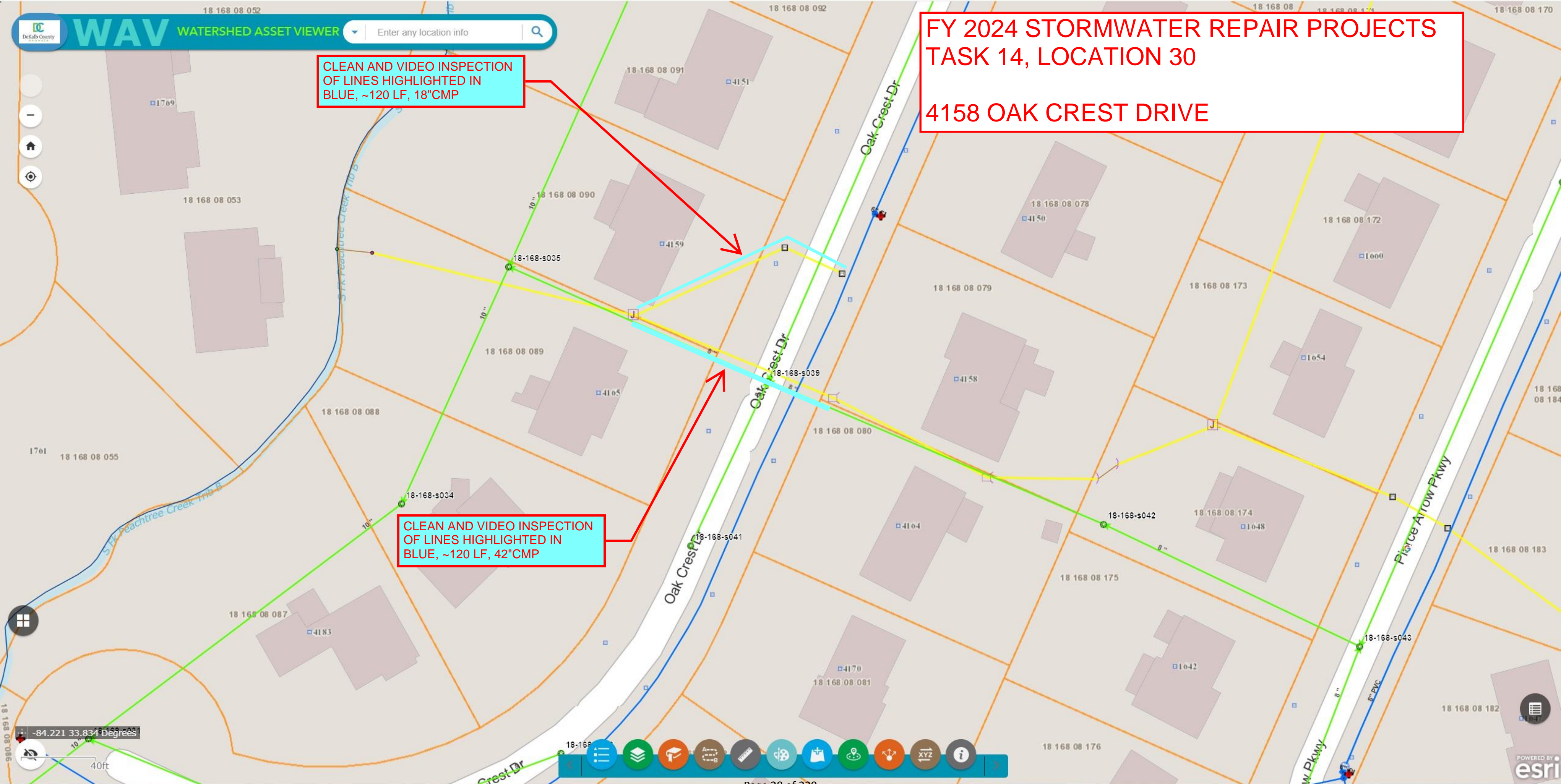




**FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 30  
4158 OAK CREST DRIVE**

CLEAN AND VIDEO INSPECTION  
OF LINES HIGHLIGHTED IN  
BLUE, ~120 LF, 18" CMP

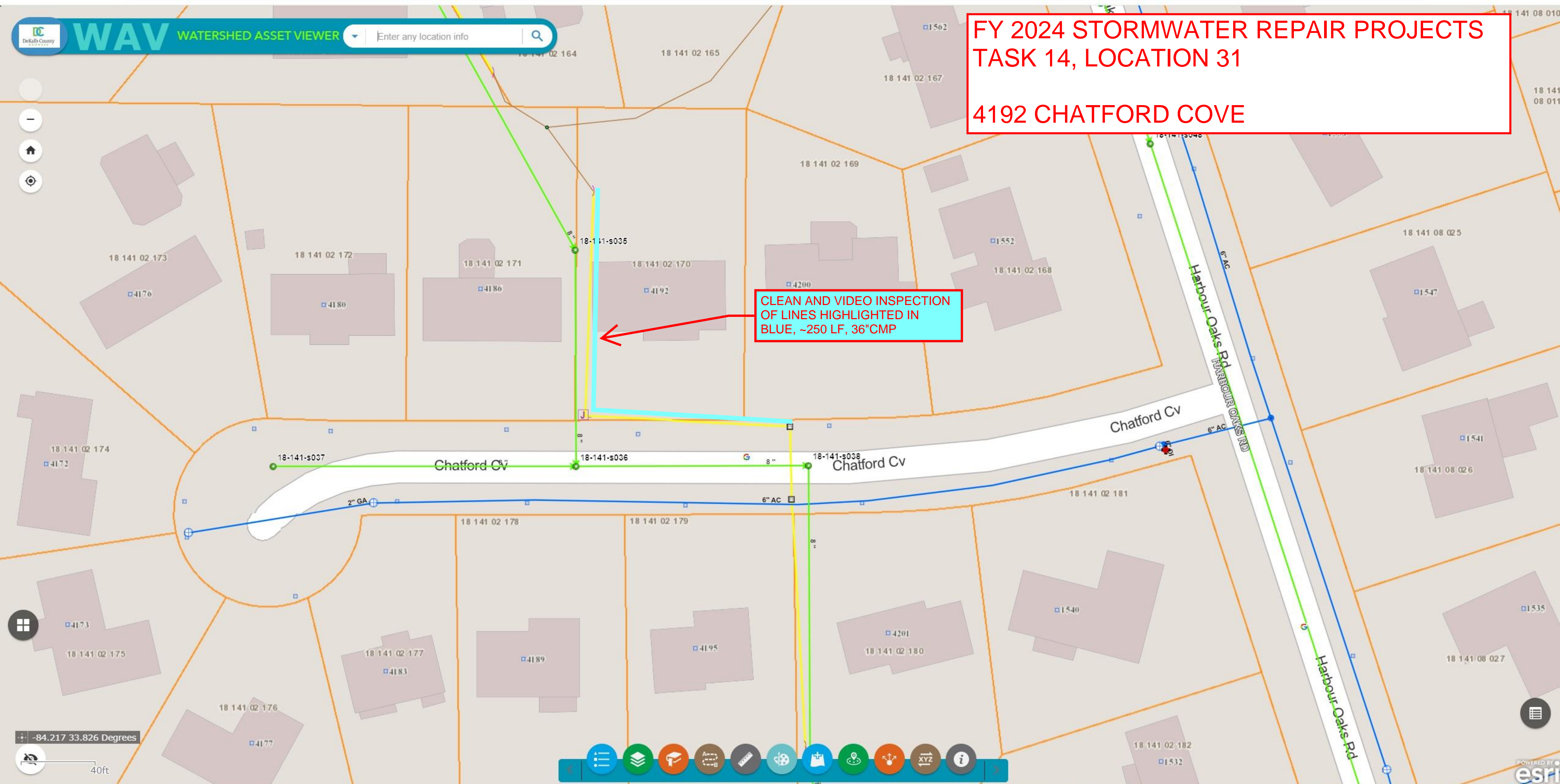
CLEAN AND VIDEO INSPECTION  
OF LINES HIGHLIGHTED IN  
BLUE, ~120 LF, 42" CMP





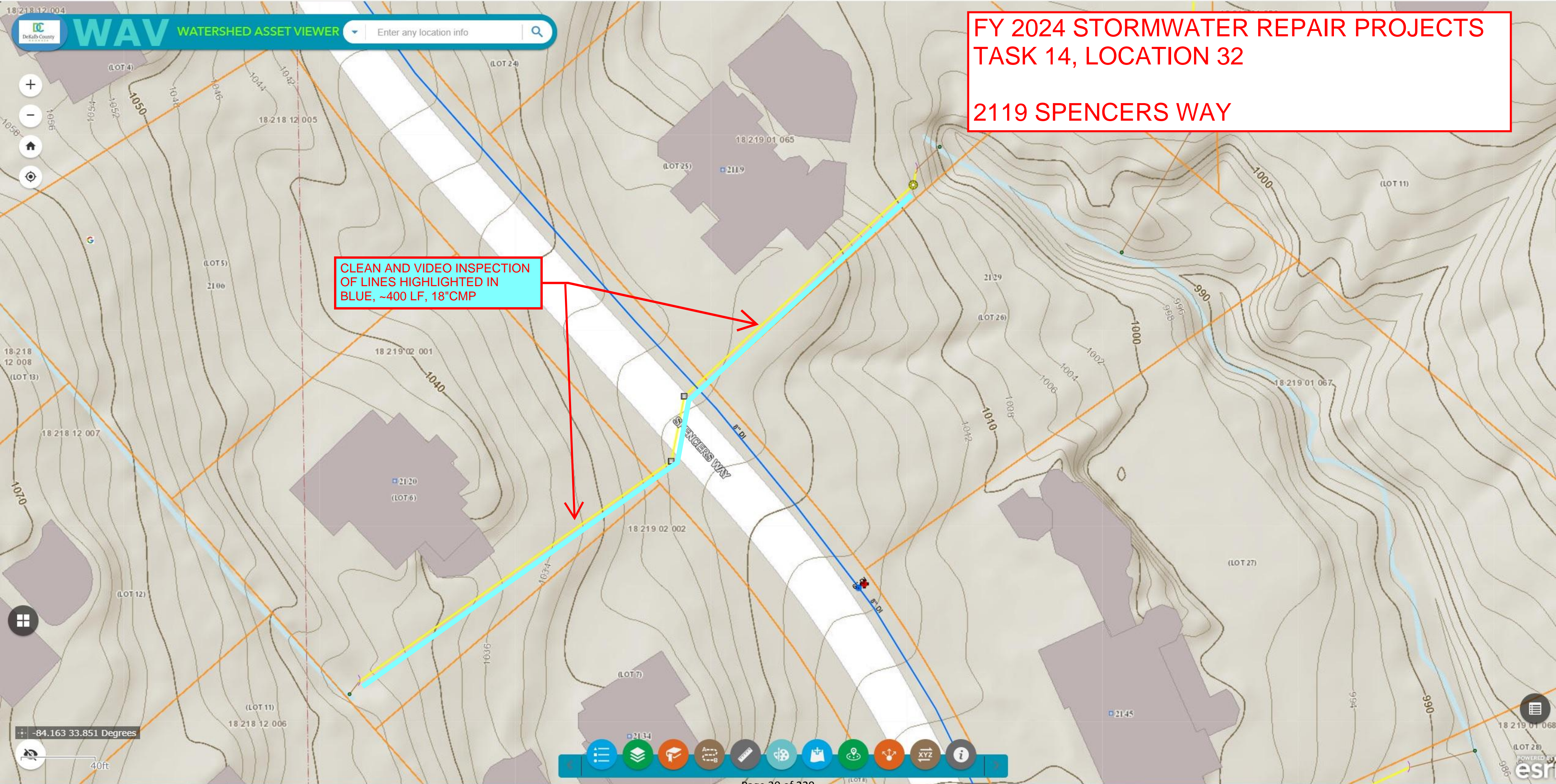
FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 31  
4192 CHATFORD COVE

CLEAN AND VIDEO INSPECTION  
OF LINES HIGHLIGHTED IN  
BLUE, ~250 LF, 36" CMP



-84.217 33.826 Degrees  
40ft





FY 2024 STORMWATER REPAIR PROJECTS  
TASK 14, LOCATION 32  
2119 SPENCERS WAY

CLEAN AND VIDEO INSPECTION  
OF LINES HIGHLIGHTED IN  
BLUE, ~400 LF, 18" CMP



EXHIBIT B

UNIT PRICE SCHEDULE		Cajon		Task 14 Totals		4239 Fontana Court		2519 Lake Erin Drive		4158 Oak Crest Drive		4192 Chafford Cove		2119 Spencers Way		1885 Mountain Creek Drive		3440 Montreal Way		2433 Henderson Pines Court				
Item	Unit	Contracted Price	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total	Estimated Qty	Estimated Total		
<b>General Conditions</b>																								
1	Mobilization	EA	\$ 2,400.00	8	\$ 19,200.00	1	\$ 2,400.00	1	\$ 2,400.00	1	\$ 2,400.00	1	\$ 2,400.00	1	\$ 2,400.00	1	\$ 2,400.00	1	\$ 2,400.00	1	\$ 2,400.00	1	\$ 2,400.00	
2	Out of Scope Work, Foreman	HR	\$ 95.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
3	Out of Scope Work, Laborer	HR	\$ 75.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
<b>Traffic Control</b>																								
4	Traffic Control Minor 1 - Includes Continuous Crew of 2 Flagmen	Per Day	\$ 3,000.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
5	Traffic Control Minor 2 - Includes Cones and Signage	Per Day	\$ 2,000.00	8	\$ 16,000.00	1	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	1	\$ 2,000.00	
6	Traffic Control Major - Includes Road Closure Detours, Signs, Mobile Electronic Detour Signs	EA	\$ 6,500.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
7	Mobile Electronic Detour Signs	Per Day	\$ 325.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
<b>TV Inspection and Jet-Vac Cleaning</b>																								
8	TV Storm Lines (Includes DVD & Report)	LF	\$ 5.00	1908	\$ 9,540.00	210	\$ 1,050.00	300	\$ 1,500.00	240	\$ 1,200.00	250	\$ 1,250.00	400	\$ 2,000.00	185	\$ 925.00	153	\$ 765.00	170	\$ 850.00		\$ -	
9	Visual Inspection (Pictures), per Project (During Construction)	EA	\$ 250.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
10	Hydro-Excavation complete (onsite hours only)	Per Hour	\$ 370.00	64	\$ 23,680.00	8	\$ 2,960.00	8	\$ 2,960.00	8	\$ 2,960.00	8	\$ 2,960.00	8	\$ 2,960.00	8	\$ 2,960.00	8	\$ 2,960.00	8	\$ 2,960.00	8	\$ 2,960.00	
<b>Storm Line Cleaning (less than 25% full)</b>																								
11	12" PIPE - Cleaning less than 25% full	LF	\$ 5.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
12	15" PIPE - Cleaning less than 25% full	LF	\$ 5.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
13	18" PIPE - Cleaning less than 25% full	LF	\$ 7.00	1028	\$ 7,196.00		\$ -		\$ -	120	\$ 840.00		\$ -	400	\$ 2,800.00	185	\$ 1,295.00	153	\$ 1,071.00	170	\$ 1,190.00		\$ -	
14	21" PIPE - Cleaning less than 25% full	LF	\$ 7.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
15	24" PIPE - Cleaning less than 25% full	LF	\$ 8.00	170	\$ 1,360.00	170	\$ 1,360.00		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
16	30" PIPE - Cleaning less than 25% full	LF	\$ 8.00	40	\$ 320.00	40	\$ 320.00		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
17	36" PIPE - Cleaning less than 25% full	LF	\$ 9.00	370	\$ 3,330.00		\$ -	120	\$ 1,080.00		\$ -	250	\$ 2,250.00		\$ -		\$ -		\$ -		\$ -		\$ -	
18	42" PIPE - Cleaning less than 25% full	LF	\$ 9.00	300	\$ 2,700.00		\$ -	180	\$ 1,620.00		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
19	48" PIPE - Cleaning less than 25% full	LF	\$ 10.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
20	54" PIPE - Cleaning less than 25% full	LF	\$ 12.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
21	60" PIPE - Cleaning less than 25% full	LF	\$ 14.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
22	66" PIPE - Cleaning less than 25% full	LF	\$ 16.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
23	72" PIPE - Cleaning less than 25% full	LF	\$ 18.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
24	78" PIPE - Cleaning less than 25% full	LF	\$ 19.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
25	84" PIPE - Cleaning less than 25% full	LF	\$ 20.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
26	90" PIPE - Cleaning less than 25% full	LF	\$ 22.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
27	96" PIPE - Cleaning less than 25% full	LF	\$ 25.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
<b>Storm Line Cleaning (25% full or greater)</b>																								
28	12" PIPE - Cleaning 25% full or greater	LF	\$ 7.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
29	15" PIPE - Cleaning 25% full or greater	LF	\$ 9.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
30	18" PIPE - Cleaning 25% full or greater	LF	\$ 13.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
31	21" PIPE - Cleaning 25% full or greater	LF	\$ 14.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
32	24" PIPE - Cleaning 25% full or greater	LF	\$ 12.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
33	30" PIPE - Cleaning 25% full or greater	LF	\$ 14.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
34	36" PIPE - Cleaning 25% full or greater	LF	\$ 17.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
35	42" PIPE - Cleaning 25% full or greater	LF	\$ 19.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
36	48" PIPE - Cleaning 25% full or greater	LF	\$ 21.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
37	54" PIPE - Cleaning 25% full or greater	LF	\$ 24.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
38	60" PIPE - Cleaning 25% full or greater	LF	\$ 25.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
39	66" PIPE - Cleaning 25% full or greater	LF	\$ 29.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
40	72" PIPE - Cleaning 25% full or greater	LF	\$ 30.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
41	78" PIPE - Cleaning 25% full or greater	LF	\$ 35.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
42	84" PIPE - Cleaning 25% full or greater	LF	\$ 39.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
43	90" PIPE - Cleaning 25% full or greater	LF	\$ 40.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
44	96" PIPE - Cleaning 25% full or greater	LF	\$ 40.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
<b>Specialty Storm Line Cleaning</b>																								
Applicable to heavy roots, large diameter rocks, large debris, etc																								
45	12" to 36" PIPE	LF	\$ 62.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
46	42" to 96" PIPE	LF	\$ 87.00	0	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -	
				Sub Total	\$ 83,326.00		\$ 10,090.00		\$ 11,560.00		\$ 10,480.00		\$ 10,860.00		\$ 12,160.00		\$ 9,580.00		\$ 9,196.00		\$ 9,400.00		\$ -	
				15% Contingency	\$ 12,498.90																			
				Total	\$ 95,824.90																			
***** END OF SPECIFICATIONS *****																								


## Executed Contract for Task Orders #14

Marti Coleman <mcoleman@tuckerga.gov>

Thu 4/4/2024 2:43 PM

To:Cristy <cristy@cajenn.com>

Cc:Ishri Sankar <isankar@tuckerga.gov>;Procurement <Procurement@tuckerga.gov>

 1 attachments (3 MB)

RFP 2023-016 Public Works Task Order 14 Executed Contract.pdf;

Good afternoon,

Attached you will find the fully executed contract for Task Order #14 for your records.

This email serves as the official Notice to Proceed.

Please reference PO #24-00697 when submitting invoices to Ishri Sankar.

You may reach out to me at any time regarding procurement and contract concerns.

Thank you!



**MARTI COLEMAN**

**ACCOUNTANT / PROCUREMENT/  
PURCHASING**

T: 470-568-2080 |

E: [procurement@tuckerga.gov](mailto:procurement@tuckerga.gov) | W: [tuckerga.gov](http://tuckerga.gov)



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cristy@cajenn.com>

day, March 27, 2024 11:03 AM

man <mcoleman@tuckerga.gov>; Theresa <theresa@cajenn.com>



## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Courtney Smith, Community Development Director  
**CC:** John McHenry, City Manager  
**Date:** July 2, 2024  
**RE:** Memo for Extension/Termination of SLUP-22-0001

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**Contract/Document Number:** O2024-06-10

### Description for on the Agenda:

- 2nd Read and Public Hearing of an ordinance to consider a 12-month time extension or a termination of SLUP-22-0001, which was approved on May 9, 2022 per O2022-02-36.

### Issue:

A Special Land Use Permit application (SLUP-22-0001) for multifamily housing over 24 units per acre was approved on May 9, 2022 (O2022-02-36), for the AHS (now known as Resia) development at 2059 Northlake Parkway. The SLUP approval included the following uses: a mix of office, retail/restaurant, co-working space, and multifamily residential (a maximum of 280 multi-family units in three new residential buildings and a maximum of 129 residential units in the existing office building).

Sec. 46-1599(b) of the City of Tucker Code states that a special land use permit expires after 12 months unless a building permit or other required approval is obtained, and construction begins. Additionally, Sec. 46-1599(c) states that the Community Development Director can give one twelve-month extension, but any additional time extensions or terminations would have to be granted by the Mayor and City Council. Staff previously granted one 12-month extension to extend the SLUP to May 9, 2024.

Since the AHS (Resia) development at 2059 Northlake Parkway has not submitted for permitting nor begun construction, City Staff worked with the property owner/developer to scheduled two public hearings for Mayor and City Council to review SLUP-22-0001 for either a time extension or termination.

### Recommendation:

Although the SLUP-22-0001 request meets the intent of the Comprehensive Plan in terms of primary land uses and development strategies, the massing, scale, and density of the proposed development does not comply with the surrounding area. A parking deck, reduced unit count, integrating workspaces into the 129 units in the existing office building, and improved architectural features would make the development more compatible with the character of the area. Smaller building massing would also be more appropriate along Northlake Parkway, creating a more pedestrian oriented community.

Therefore, Staff recommends SLUP-22-0001 be terminated. See attached staff report for SLUP-22-0001 for additional analysis.

Sec. 46-1599. Limitations of special land use permits.

- (a) Development of an approved special use. The issuance of a special land use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required by any applicable law or regulation.
- (b) Expiration of a special land use permit. Unless a building permit or other required approval is applied for within 12 months of the mayor and city council's approval of a special use, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, a 12 month extension must be obtained in accordance with subsection (c) of this section.
- (c) Time extension of a special land use permit. The time limitation imposed pursuant to subsection (b) of this section may be extended once for 12 consecutive months upon written request by the applicant and approval in writing by the planning and zoning director. Extension denials by the planning and zoning director may be appealed within 30 days to the Mayor and City Council. Any further time extensions shall be by the mayor and city council upon written request by the applicant and approval of the mayor and city council after compliance with the public notice provisions of section 46-1526(c). In considering a request to extend, or the appeal of a denial of a request to extend, the planning and zoning director and the mayor and city council shall consider the criteria described in section 46-1594.
- (d) Limitations on approvals for special land use permits. If a use granted by a special land use permit shall, for any reason, be discontinued for a period of 12 consecutive months, a hearing shall be held before the mayor and city council in accordance with subsection (c) of this section for the purpose of determining whether the permit shall terminate or be extended
- (e) Modifications to a special land use permit. Changes to an approved special land use permit, including changes to approved conditions, expansion of the approved use, or expansion of building square footage, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

(Ord. No. 2016-06-07, att. (7.4.11), 7-11-2016; Ord. No. O2020-03-07, exh. A, 3-23-2020; Ord. No. O2023-11-22, Exh. A, 12-11-2023)

**Summary:**

Mayor and City Council are required to make a decision regarding the extension or termination of SLUP-22-0001 per the criteria in Sec. 46-1594, which is the same criteria that was used when reviewing the SLUP application initially.

**Financial Impact:** NA



**AN ORDINANCE FOR A TWELVE-MONTH EXTENSION OF SPECIAL LAND USE PERMIT 22-0001 (O2022-02-36) IN LAND LOT 189 OF THE 18<sup>th</sup> DISTRICT.**

**WHEREAS:** Notice to the public regarding said special land use permit extension/termination has been duly published in The Champion, the Official News Organ of Tucker; and

**WHEREAS:** A Public Hearing was held by the Mayor and City Council of Tucker on June 10, 2024 and July 8, 2024;

**WHEREAS:** The Mayor and City Council is the governing authority for the City of Tucker;

**WHEREAS:** The Mayor and City Council have reviewed the extension/termination of the special land use request based on the criteria found in Section 46-1594 of the Zoning Ordinance of the City of Tucker;

**NOW THEREFORE,** the Mayor and City Council of the City of Tucker while in Regular Session on July 8, 2024 hereby approves a twelve-month extension of Special Land Use Permit 22-0001 until May 9, 2025. This extension is hereby subject to the same conditions of approval that are listed in O2022-02-36.

**SO EFFECTIVE** this 8<sup>th</sup> day of July 2024.

Approved by:

\_\_\_\_\_  
Frank Auman, Mayor

Attest:

\_\_\_\_\_  
Bonnie Warne, City Clerk

SEAL

**AN ORDINANCE FOR THE TERMINATION OF SPECIAL LAND USE PERMIT 22-0001 (O2022-02-36) IN LAND LOT 189 OF THE 18<sup>th</sup> DISTRICT.**

**WHEREAS:** Notice to the public regarding said special land use permit extension/termination has been duly published in The Champion, the Official News Organ of Tucker; and

**WHEREAS:** A Public Hearing was held by the Mayor and City Council of Tucker on June 10, 2024 and July 8, 2024;

**WHEREAS:** The Mayor and City Council is the governing authority for the City of Tucker;

**WHEREAS:** The Mayor and City Council have reviewed the extension/termination of the special land use request based on the criteria found in Section 46-1594 of the Zoning Ordinance of the City of Tucker;

**NOW THEREFORE,** the Mayor and City Council of the City of Tucker while in Regular Session on July 8, 2024 hereby terminates Special Land Use Permit 22-0001 as approved by O2022-02-36.

**SO EFFECTIVE** this 8<sup>th</sup> day of July 2024.

Approved by:

\_\_\_\_\_  
Frank Auman, Mayor

Attest:

\_\_\_\_\_  
Bonnie Warne, City Clerk

SEAL

**AN ORDINANCE FOR SPECIAL LAND USE PERMIT 22-0001 AND CONCURRENT VARIANCES CV-22-0001, CV-22-0002, CV-22-0003, AND CV-22-0004 IN LAND LOT 189 OF THE 18<sup>th</sup> DISTRICT TO ALLOW FOR DENSITY OVER 24 UNITS PER ACRE FOR AHS AT 2059 NORTHLAKE PARKWAY.**

**WHEREAS:** Notice to the public regarding said special land use permit and concurrent variances have been duly published in The Champion, the Official News Organ of Tucker; and

**WHEREAS:** A Public Hearing was held by the Mayor and City Council of Tucker on March 14, 2022 and May 9, 2022;

**WHEREAS:** The Mayor and City Council is the governing authority for the City of Tucker;

**WHEREAS:** The Mayor and City Council has reviewed the special land use request and concurrent variances based on the criteria found in Section 46-1594 and 46-1633 of the Zoning Ordinance of the City of Tucker;

**NOW THEREFORE,** the Mayor and City Council of the City of Tucker while in Regular Session on May 9, 2022 hereby ordains and approves Special Land Use Permit 22-0001 to allow for a mixed-use, multifamily development with a density over 24 units per acre, subject to the following conditions:

1. The property shall be developed in general conformance with the site plan received by the City of Tucker Planning and Zoning Department on May 4, 2022, with changes to meet these conditions and other requirements of the code.
2. The use of the development shall be limited to office, retail/restaurant, co-working space, and multifamily residential, which shall consist of a maximum of 280 multi-family units in three residential buildings and a maximum of 129 residential units in the existing office building.
3. The two apartment buildings closest to Northlake Parkway shall be limited to a maximum height of 6 stories or 63' and the third apartment building, closest to East Exchange Place shall be limited to 7 stories or 72'.
4. Building elevations shall be constructed in general conformance with the architectural designs received by the City of Tucker Planning and Zoning Department on May 6, 2022.
5. A minimum of 640 parking spaces shall be provided.
6. All ground floor units fronting Northlake Parkway shall have a patio with direct access to an internal sidewalk.
7. All ground floor units abutting the common amenity space shall have a patio with direct access

to the amenity space.

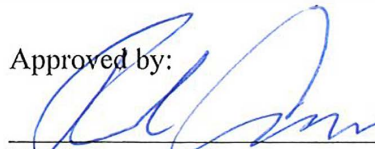
8. All signage shall comply with the Sign Ordinance.
9. Utilities shall be located underground.
10. The minimum lease term shall not be shorter than 6 months.
11. An on-site leasing office with property maintenance staff shall be provided to serve as a contact point for residents and local authorities.
12. All businesses operating at this location, including the office spaces in the residential units, shall, where required, comply with the City of Tucker requirements for Occupational Tax Certificates.
13. A minimum of 15% of the units shall qualify as workforce housing units, defined as housing that is affordable to households earning between 80 and 140 percent of area median income (AMI). AMI shall be defined as the area median income for the area within a 3-mile radius of the subject property at the time of Certificate of Occupancy issuance and recalculated on each annual anniversary date. Owner shall submit proof of compliance with this condition by December 31 of each year, starting with the calendar year after the final Certificate of Occupancy issues, to the Planning and Zoning Director.
  - a. The breakdown of workforce housing units shall generally comply with the following ratios:
    - i. Studios: 20%;
    - ii. 1-Bed: 65%;
    - iii. 2-Bed: 10%; and
    - iv. 3-Bed: 5%.
  - b. The workforce housing units shall generally be interspersed with all other dwelling units and shall be provided in all four buildings shown on the site plan submitted May 4, 2022.
  - c. The interior and exterior finish, durability, and quality of construction of the workforce housing units shall be compatible with and comparable in quality and durability to the rest of the dwelling units in the development and shall comply with the design standards of the NL-2 zoning district.
  - d. Renewal of an OTC for the entire development shall be required annually, contingent upon compliance with workforce housing requirements.
14. Owner/Developer shall allow for future interparcel access to the adjacent properties to the east and west. Traffic barriers may be temporarily put in drive aisle radius to allow parking until the adjacent properties are redeveloped. Owner/Developer shall grant a construction easement to adjacent property owner when the future interparcel access to the east and/or west is constructed.
15. Owner/Developer shall construct a ten-foot (10') wide concrete trail and a five-foot (5') landscape strip along the entire frontage of Northlake and East Exchange Place, as shown in the current version of the Trail Master Plan. An additional five foot (5') wide street furniture

zone shall be provided along Northlake Parkway.


16. Owner/Developer shall construct a ten-foot (10') wide trail constructed of pervious concrete, subject to review and approval of the City Engineer, through the center of the development as shown on the site plan and per the current version of the Trail Master Plan. Owner/Developer shall provide the city with a permanent easement for the trail. The easement shall be dedicated at no cost to the City by time of Certificate of Occupancy issuance.
17. Owner/Developer shall construct ADA compliant internal sidewalks with pervious concrete, subject to review and approval of the City Engineer and crosswalks that will provide pedestrian connectivity from all apartment buildings to the sidewalk along Northlake Parkway and East Exchange Place. A pedestrian circulation plan shall be subject to review and approval of the Planning and Zoning Director.
18. A maximum of twenty percent (20%) of parking spaces may be compact spaces. A compact space shall be defined as any space narrower than nine feet (9') in width. Compact spaces shall be identified with appropriate signage.
19. The Development shall be limited to a maximum of one (1) right/left in / right out only curb cut on Northlake Parkway and two (2) full access curb cuts on East Exchange Place. Further, Owner shall add a "No Left Turn" sign and a raised median at the Northlake Parkway curb cut to restrict left-turning movements onto Northlake Parkway.
20. Owner/Developer shall construct a deceleration lane at the site entrance on Northlake Parkway.
21. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way along the entire frontage of Northlake Parkway such that there is a minimum of seventy-five feet (75') from centerline, twelve feet (12') from back of curb, or two feet (2') from back of sidewalk, whichever is greater.
22. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.

So effective this 9<sup>th</sup> day of May 2022.

Approved by:

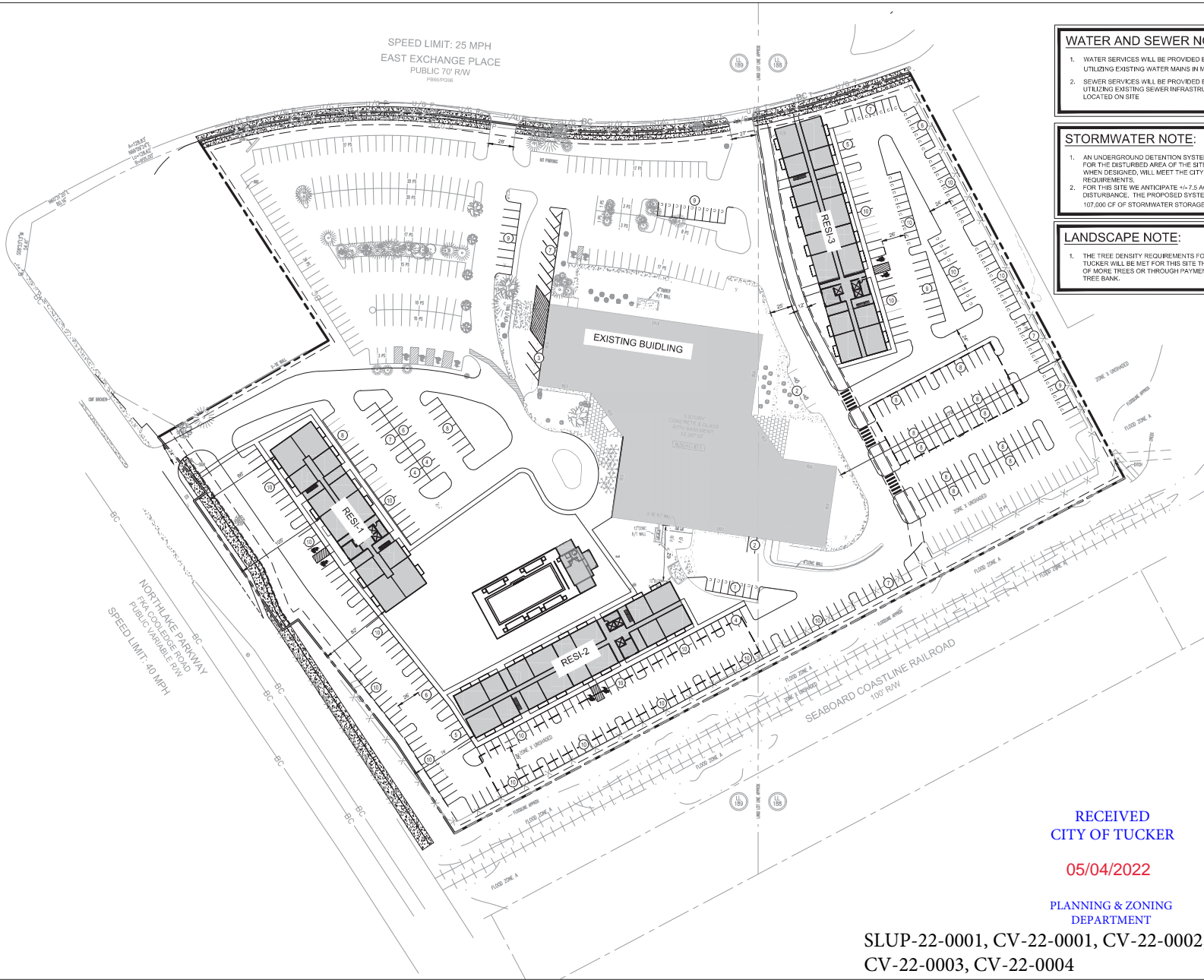
  
Frank Auman, Mayor

Attest:

  
Bonnie Warne, City Clerk



SEAL



SPEED LIMIT: 25 MPH  
EAST EXCHANGE PLACE  
PUBLIC 70' RW  
Public Road

NORTHLAKE PARKWAY  
FAX COLLEGE ROAD  
PUBLIC VARIABLE RW  
SPEED LIMIT: 40 MPH

SEABOARD COASTLINE RAILROAD  
100' RW

**WATER AND SEWER NOTES:**

1. WATER SERVICES WILL BE PROVIDED BY DEKALB COUNTY UTILIZING EXISTING WATER MAINS IN MAIN ROAD
2. SEWER SERVICES WILL BE PROVIDED BY DEKALB COUNTY UTILIZING EXISTING SEWER INFRASTRUCTURE CURRENTLY LOCATED ON SITE

**STORMWATER NOTE:**

1. AN UNDERGROUND DETENTION SYSTEM WILL BE PROVIDED FOR THE DISTURBED AREA OF THE SITE. THIS SYSTEM WHEN DESIGNED, WILL MEET THE CITY AND STATE REQUIREMENTS.
2. FOR THIS SITE WE ANTICIPATE ~7.5 ACRES OF DISTURBANCE. THE PROPOSED SYSTEM WILL PROVIDE ~107,000 CF OF STORMWATER STORAGE.

**LANDSCAPE NOTE:**

1. THE TREE DENSITY REQUIREMENTS FOR THE CITY OF TUCKER WILL BE MET FOR THIS SITE THROUGH THE ADDITION OF MORE TREES OR THROUGH PAYMENT INTO THE CITY TREE BANK.

**DEVELOPMENT SUMMARY:**

SITE SUMMARY:

CURRENT ZONING:	NL-2
PROPOSED ZONING:	NL-2
SITE AREA:	13.00 ACRES
DISTURBED AREA:	+/- 5.50 ACRES
LOT COVERAGE:	10.3 ACRES (79.2%)
OPEN SPACE:	2.85 ACRES (21.9%)
REQUIRED BUILDING HEIGHT:	135 FT 9 STORIES
PROPOSED BUILDING HEIGHT:	72 FT (RES 3) 7 STORIES 63 FT (RES 1 AND RES 2) 6 STORIES
EXISTING BUILDING HEIGHT:	87.1 FT 5 STORIES
BUILDING SETBACK REQUIREMENTS:	FRONT (MIN) 0 FT FRONT (MAX) 30 FT SIDE (MIN) 20 FT BACK (MIN) 20 FT
LANDSCAPE SETBACK:	FRONT (MIN) 6 FT SIDE (MIN) 6 FT BACK (MIN) 6 FT
<u>PROPOSED LAND USES &amp; DENSITIES:</u>	
MULTIFAMILY RESIDENTIAL	280 UNITS
LIVE WORK	128 UNITS
OFFICE/COWORKING SPACE:	97,240 SF
TOTAL FLOOR SPACE:	579,951 GSF
RESIDENTIAL:	482,711 SF
OFFICE/LOBBY/AMENITY:	97,240
PROPOSED DENSITY:	31.46 UNITS/ACRE
<u>PARKING SUMMARY:</u>	
<b>REQUIRED PARKING (MINIMUM):</b>	<b>528 SPACES (TOTAL)</b>
MULTIFAMILY (280 UNITS)	280 SPACES (1.00 UNIT)
LIVE WORK (128 UNITS)	128 SPACES (1.00 UNIT)
OFFICE/COWORKING (97,315 SF)	119 SPACES (1.0250 SF)
<b>REQUIRED PARKING (MAXIMUM):</b>	<b>1,645 SPACES (TOTAL)</b>
MULTIFAMILY (280 UNITS)	840 SPACES (3.00 UNIT)
LIVE WORK (128 UNITS)	387 SPACES (3.00 UNIT)
OFFICE/COWORKING (97,315 SF)	238 SPACES (1.0250 SF)
<b>PROPOSED PARKING:</b>	<b>640 SPACES (TOTAL)</b>
STANDARD:	560 SPACES
COMPACT:	80 SPACES
HANDICAP:	14 SPACES
<b>PARKING LOT LANDSCAPING:</b>	
REQUIRED:	10% MIN.
PROPOSED:	10%

**ALTERNATIVE VEHICLE AND BIKE PARKING:**

1. THE SITE WILL PROVIDE BIKE/MOPED PARKING AS REQUIRED BY CODE. THE EXACT LOCATION WILL BE DETERMINED DURING THE PERMITTING PHASE. FOR THIS SITE, 36 BIKE/MOPED SPACES WILL BE PROVIDED (1 PER 20).
2. THE SITE WILL PROVIDE ALTERNATIVE VEHICLE PARKING THROUGHOUT THE SITE AS REQUIRED BY CODE. THE EXACT LOCATION WILL BE DETERMINED DURING THE PERMITTING PHASE. FOR THIS SITE, 15 ALTERNATIVE FUEL SPACES WILL BE PROVIDED (2% OF TOTAL).

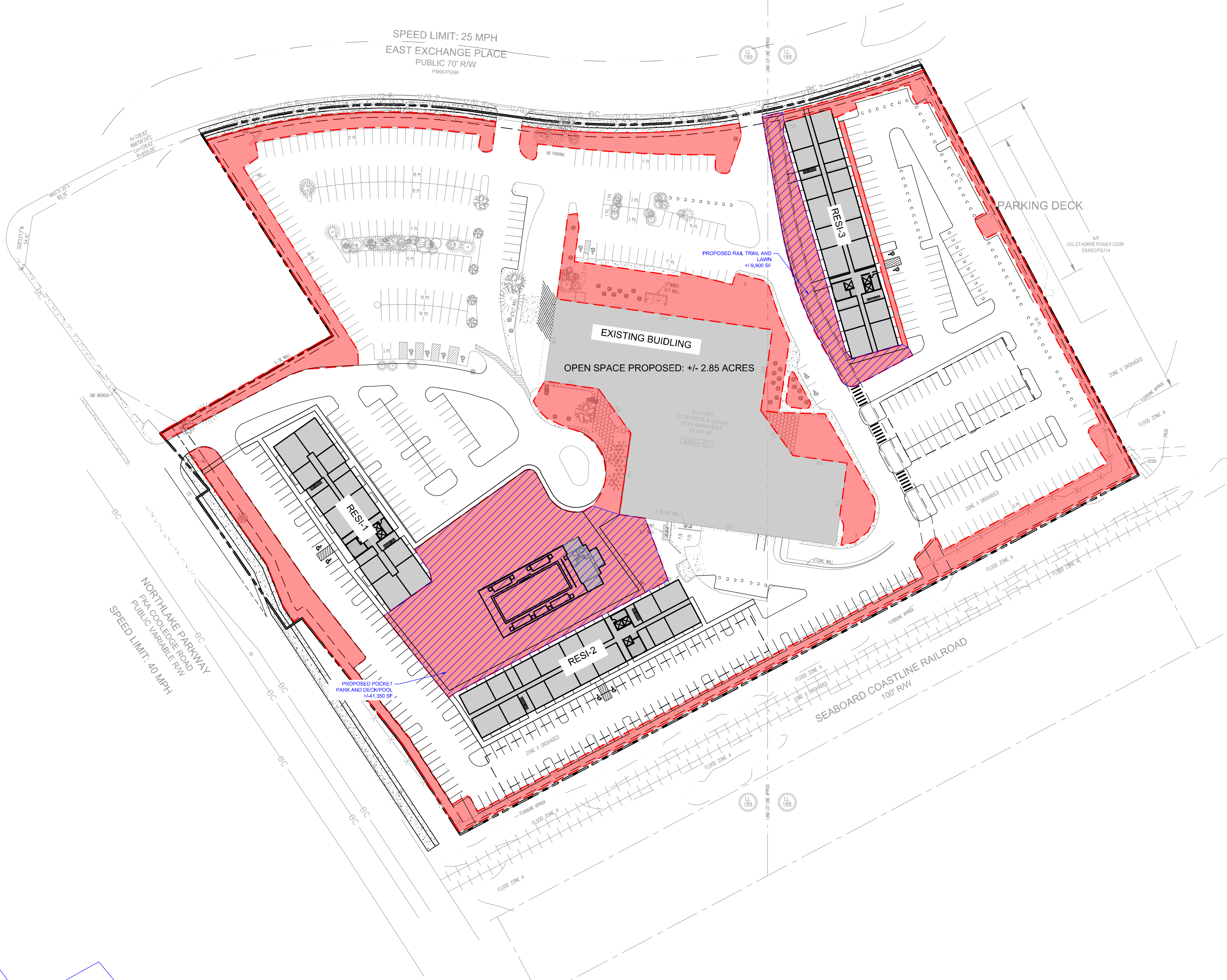
SITE LOCATION MAP



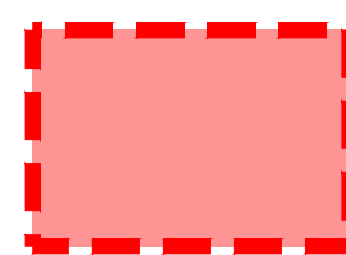
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CITY OF TUCKER  
  
05/04/2022  
  
PLANNING & ZONING  
DEPARTMENT

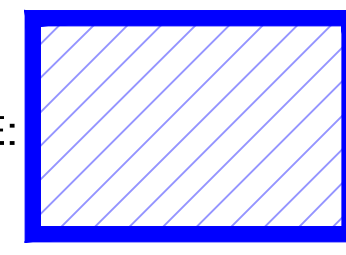
SLUP-22-0001, CV-22-0001, CV-22-0002,  
CV-22-0003, CV-22-0004





**LEGEND:**

OPEN SPACE: 

OUTDOOR SPACE: 

**DEVELOPMENT SUMMARY:**

**SITE SUMMARY:**

CURRENT ZONING:	NL-2
PROPOSED ZONING:	NL-2
SITE AREA:	13.00 ACRES
OPEN SPACE:	2.85 ACRES (21.9%)
OUTDOOR SPACE:	1.10 ACRES (8.4%)

RECEIVED  
CITY OF TUCKER

05/04/2022

PLANNING & ZONING  
DEPARTMENT

SLUP-22-0001, CV-22-0001, CV-22-0002,  
CV-22-0003, CV-22-0004





RECEIVED  
CITY OF TUCKER

05/06/2022

PLANNING & ZONING  
DEPARTMENT





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CITY OF TUCKER

05/06/2022

PLANNING & ZONING  
DEPARTMENT





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05/06/2022

PLANNING & ZONING  
DEPARTMENT





# City of Tucker

**OFFICE OF  
COMMUNITY  
DEVELOPMENT**

**Courtney Smith**  
Director

August 28, 2023

VIA EMAIL

Stacy Reeves

Resia (formerly AHS)  
12895 SW 132<sup>nd</sup> Street  
Miami, FL 33186

Re: Extension of SLUP-22-0001 (Ordinance O2022-02-36)

Dear Ms. Reeves,

SLUP-22-0001 for AHS at 2059 Northlake Parkway was approved by Mayor and City Council on May 9, 2022. Sec. 46-1599(b) states that special land use permits expire automatically within 12 months of approval unless the necessary permits are applied for/issued and construction promptly begins and is diligently pursued. No land disturbance permit or building permit has been submitted to the City of Tucker for the multifamily project, therefore, SLUP-22-0001 should automatically expire on May 9, 2023. However, the city is initiating a text amendment that addresses the expiration of SLUP's and in preparation of that amendment, we will be **extending your SLUP approval to May 9, 2024**. Please be sure to speak with the city before May 9, 2024 should your project still remain on hold at that time.

*Sec. 46-1599. Limitations of special land use permits.*

*(b) Expiration of a special land use permit. Unless a building permit or other required approval is applied for within 12 months of the mayor and city council' approval, and construction pursuant to such building permit is promptly begun and diligently pursued thereafter, the special land use permit shall expire automatically, unless the permit is extended upon application to the mayor and city council in accordance with subsection (c) of this section.*

*(Ord. No. 2016-06-07, att. (7.4.11), 7-11-2016; Ord. No. O2020-03-07, exh. A, 3-23-2020)*

Sincerely,

Courtney Smith

Community Development Director

City of Tucker – 1975 Lakeside Parkway, Suite 350, Tucker, GA 30084

Phone: 678-597-9040 | Fax: 470-719-8229 | tuckerga.gov

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**Sec. 46-1594. Special land use permit; criteria to be considered.**

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.
- (2) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
- (3) Adequacy of public services, public facilities, and utilities to serve the proposed use.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (11) Whether or not the proposed use is consistent with the policies of the comprehensive plan.
- (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.
- (13) Whether or not there is adequate provision of refuse and service areas.
- (14) Whether the length of time for which the special land use permit is granted should be limited in duration.
- (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.
- (16) Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- (17) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such 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.
  - (19) Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.
  - (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.

(Ord. No. 2016-06-07, att. (7.4.6), 7-11-2016; Ord. No. O2020-03-07, exh. A, 3-23-2020)



# City of Tucker

**Land Use Petition:** SLUP-22-0001

**Date of Staff Recommendation Preparation:** February 10, 2021

**Planning Commission:** February 17, 2022

**Mayor and City Council, 1<sup>st</sup> Read:** March 14, 2022

**Mayor and City Council, 2<sup>nd</sup> Read:** April 11, 2022

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<b>PROJECT LOCATION:</b>	2059 Northlake Parkway
<b>APPLICATION NUMBER</b>	SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, & CV-22-0004
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 189
<b>ACREAGE:</b>	13.1 acres
<b>EXISTING ZONING</b>	NL-2 (Northlake Office Park)
<b>EXISTING LAND USE</b>	Office Building
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Regional Activity Center
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	AHS Residential, LLC c/o Dennis Webb Jr. – Smith, Gambrell & Russell, LLP
<b>OWNER:</b>	Tucker Exchange, LLC
<b>PROPOSED DEVELOPMENT:</b>	SLUP for multi-family development over 24 units per acre with concurrent variances for increased front yard setbacks, parking in the front yard, the elimination of block and street stub-out requirements, and the elimination of inter parcel access requirements.
<b>STAFF RECOMMENDATION:</b>	<p><b>DENIAL of SLUP-22-0001</b></p> <p><b>APPROVAL of CV-22-0001</b> (if SLUP-22-0001 is approved)</p> <p><b>APPROVAL of CV-22-0002</b> (if SLUP-22-0001 is approved)</p> <p><b>APPROVAL of CV-22-0003</b> (if SLUP-22-0001 is approved)</p> <p><b>APPROVAL of CV-22-0004</b> (if SLUP-22-0001 is approved)</p>

**PROJECT DATA**

The applicant is requesting a Special Land Use Permit (SLUP) to allow for a mixed-use, multi-family development (office-residential) with a density greater than 24 units per acre (497 total residential units/38.2 units per acre). The subject parcel is approximately 13 acres, located on the eastern side of Northlake Parkway and is zoned NL-2 (Northlake Office Park). While multi-family residential developments are permitted by right in the NL-2 zoning district, the density is capped at 24 units per acre. If a density of over 24 dwelling units per acre is proposed, a SLUP is required.

The property is currently developed as an office complex, known as the Tucker Exchange, with a 252,091 sq.ft., “z” shaped office building, that was constructed in 1975. The property is fully developed and is accessed via three full-access drive aisles, two from East Exchange Place and one from Northlake Parkway. The subject property is bounded to the north by East Exchange Place and a rail line to the south. East of the subject property is Oglethorpe Power Corporation and west is Northlake Parkway. Hudson Grille is located to the northwest of the subject property. The existing office building is vacant, with the exception of one lease with Bank of America. The lease, which expires in a few months, is for 50,000 sq. ft., but they only have 20-30 people in the building.

The proposed development will contain a total of 497 residential units spread across three new residential buildings (368 units) and the existing office building (129 units). The two residential buildings shown along Northlake Parkway are proposed to be eight stories (approximately 83’ tall). The third residential building on the northeastern side of the property, is proposed to be nine-stories (approximately 89’ tall). The existing office building, which is located between the residential buildings, is five stories and 87.1’ tall.

An adaptive reuse project is planned for the existing office building. The first floor would contain a mix of co-working space, dedicated office space for the 129 residential units within the building, and an amenity area that would serve the development as a whole. The 2<sup>nd</sup> through 4<sup>th</sup> floors would contain 129 residential units. The applicant has stated that these will be “live-work units” because of the integrated workspace on the first floor. However, the city of Tucker zoning ordinance requires a workspace to be within the unit for it to be considered “live-work.” The 5<sup>th</sup> floor would be reserved for traditional office space, in which the applicant (AHS) intends to occupy part of.

In discussions with the applicant, the unit breakdown of the 368 units in the three residential buildings includes 184 one-bedroom apartments (approximately 550 sq. ft), 152 two-bedroom apartments (approximately 810 sq. ft.), and 32 three-bedroom apartments (under 1,000 sq. ft). The unit breakdown of the 129 residential units in the existing office building includes 24 studio units, 48 one bedroom/one den/one bath units, 39 one bedroom/one bath units, 12 two bedroom/two bath units, and 6 three bedroom/two bath units.

A large, 32,000-square foot pocket park is located central to the development that will consist of a greenspace and pool. The clubhouse building shown on the site plan is actually an open-air bathroom building that includes no conditioned space. A 10-foot sidewalk/multiuse trail is shown along both Northlake Parkway and East Exchange Place. No trail connection is proposed through the site, but the applicant has shown a 15-foot wide easement for future trail connection that runs from the rail line through the development to East Exchange Place. The Trail Master Plan shows the trail running along the rail line and then cuts northwest to run along East Exchange Place.

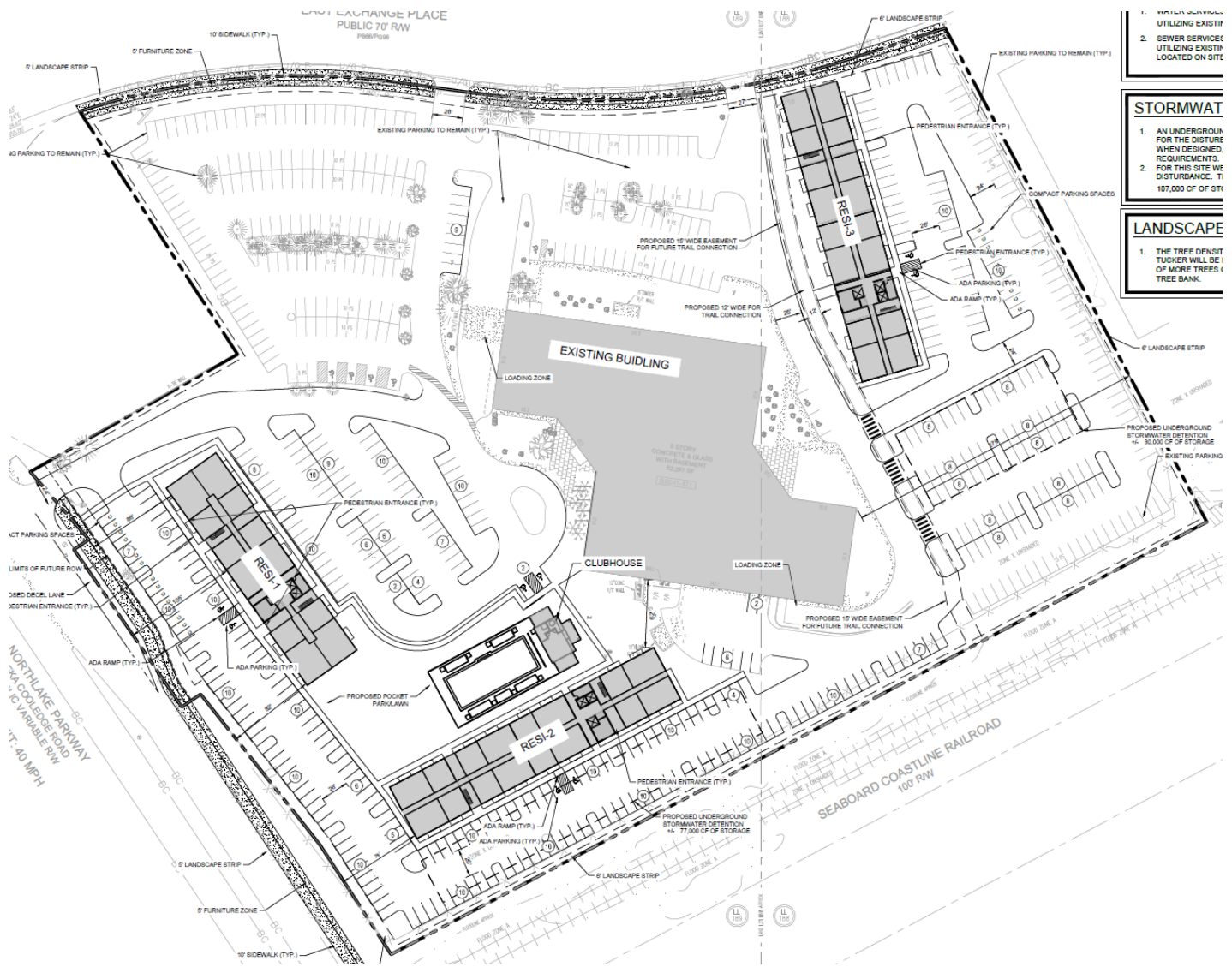
The applicant is proposing approximately 694 surface level parking spaces, which will consist of 651 standard, 10 compact, and 33 handicapped spaces dispersed throughout the site. It should be noted that a parking variance (V-19-0003) and a Land Disturbance Permit (PLD20-0006) were previously granted to allow for the construction of a four level, 700-space parking deck. The parking deck approval was done in an attempt to market the site to a large office tenant. While the deck was never constructed and is not required, a development of this size would typically include a parking deck. Staff is concerned that the proposed development is under parked. The Northlake Special Zoning District allows for a minimum of one car per unit, which is unrealistic, especially given the mix of unit types in this proposal. If you calculate one parking space per bedroom the development would need 738 spaces just for the residential units, which far exceeds the 694 spaces provided for the entire mixed-use development. Staff is concerned about the marketability of the office floor if insufficient parking is provided. The site plan also does not appear to comply with all of the parking lot landscaping requirements. While one island is provided for every 10 spaces, the code also requires one tree per 8 spaces, which is typically provided by a landscape strip running along – or between – the rows of parking. This is provided around the perimeter of the site, but not on the parking spaces in the interior or the development or abutting the buildings.

The proposed elevations show the residential buildings being constructed of a mixture of stucco and exposed concrete with a two-story brick base, painted to match the existing office building. Staff has worked with the applicant on several revisions to the architectural designs so that the proposal is more in line with the standards of the zoning ordinance and the design of the existing office building on site. The following was requested of the applicant:

- Incorporate building articulation with a clearly defined base, middle, and top.
- Provide step backs or recesses to make the building appear as more than one long continuous façade.
- Incorporate retail at the base or incorporate larger residential ceiling heights and architectural features to have a stronger base.
- Could incorporate a prominent corner design feature, depending how the other standards are implemented.
- Use more traditional building materials.
- Incorporate more glass to tie in with the office focus of the NL-2 zoning district.
- Incorporate prominent roofline design to add visual appeal.

Note that several of these items were not able to be incorporated because of the concrete form construction type that the developer uses.

The developer has offered that a minimum of 15% of the units will qualify as workforce housing units, defined as housing that is affordable to households earning between 80 and 140 percent of area median income (AMI). AMI shall be defined as the area median income for the area within a 3-mile radius of the subject property at the time of Certificate of Occupancy issuance. In this location, the AMI is \$64,678. 15% of the units equates to 75 workforce housing units.



- 1. UTILIZING EXISTING
  - 2. SEWER SERVICE: UTILIZING EXISTING LOCATED ON SITE
- STORMWAT**
- 1. AN UNDERGROUND FOR THE DISTURBANCE WHEN DESIGNED REQUIREMENTS.
  - 2. FOR THIS SITE WE DISTURBANCE: 11 107,000 CF OF STI
- LANDSCAPE**
- 1. THE TREE DENSITY TUCKER WILL BE 1 OF MORE TREES 1 TREE BANK.

**USE ANALYSIS AND DEVELOPMENT PERMISSIONS**

The subject property is located within the NL-2 (Northlake Office Park) zoning district. The intent of the Northlake Zoning Districts is to encourage development and redevelopment of properties in order to achieve a mixed-use community; provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobile travel; encourage mixed-use developments containing commercial and residential uses in order to create a pedestrian-oriented community where people can live, work, and play; to improve the visual appearance and increase property values; promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Northlake area; to ensure a stable and healthy tax base. Taken together these items serve to unify the distinctive visual quality of the Northlake area.

**CHARACTER AREA (Future Land Use)**

The subject parcel is in the Regional Activity Center Character Area on the Future Land Use Map. Development strategies of the Regional Activity Center designation include encouraging a relatively high-density mixture of retail, office, services, and employment to serve a regional market area; developing a diverse mix of higher-density housing types, including affordable and workforce housing; designing streetscapes to be pedestrian-oriented and making connections to nearby networks of greenspace or



trails. Because the Northlake area is readily accessible from the highway and is already more developed, redeveloping and retrofitting the area to include more residential uses in this portion of the city is considered both desirable and appropriate. Primary land uses include townhomes, higher density multi-family including apartments and condominiums, retail and service commercial, office, entertainment and cultural facilities, and public and private recreational uses.

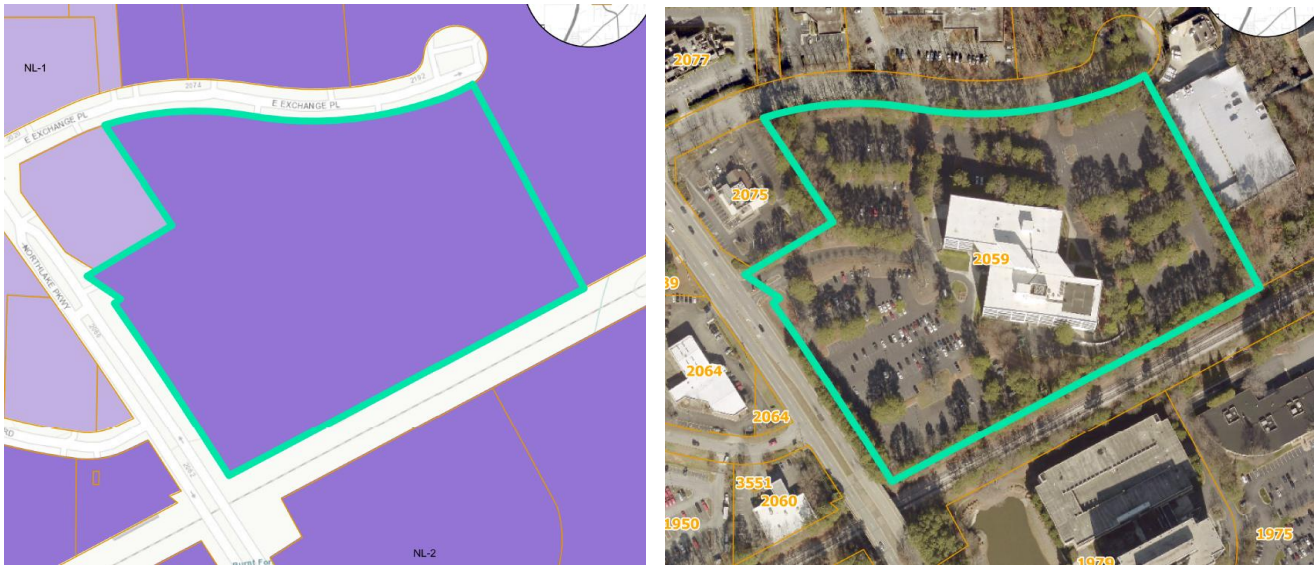
### **PUBLIC PARTICIPATION PLAN REPORT**

The applicant hosted a public participation meeting on December 9, 2021. The meeting was held in the ground floor common area of the existing office building on the subject property and lasted approximately one hour. Prior to the meeting, the applicant mailed a letter and site plan explaining the proposed project to all property owners within 500 feet of the subject parcel. 15 people were in attendance.

During the meeting the project and site plan were explained to the audience, and the applicant gave an overview of the proposed development as well as an explanation of the requested SLUP and concurrent variances. Several questions were asked regarding architecture of the proposed apartments, parking, traffic, affordable housing, compliance with the Tucker Trail Master Plan and proximity of the residential units to the railroad tracks. The size of the units, amenities, and rental rates were also discussed. It does not appear that any changes were made to the site plan as a result of the Public Participation Meeting, however it should be noted that no revisions to the proposed site plan were requested.

### **NEARBY/SURROUNDING LAND ANALYSIS**

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Existing Land Use</b>
Adjacent: North (across East Exchange Place)	NL-2 (Northlake Office Park)	Georgia Student Finance Commission
Adjacent: East	NL-2 (Northlake Office Park)	Oglethorpe Power Corporation
Adjacent: South (across the railroad tracks)	NL-2 (Northlake Office Park)	Lakeside Centre Office Development
Adjacent: West (across Northlake Parkway)	NL-1 (Northlake High Intensity Commercial)	Firestone Auto, DeKalb County Police Headquarters
Adjacent: Northwest	NL-1 (Northlake High Intensity Commercial)	Hudson Grille



*Zoning and Aerial Exhibits showing surrounding land uses.*

## SLUP-22-0001 DENSITY

### CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT

Criteria (standards and factors) for special land use decisions are provided in Section 46-1594 of the City of Tucker Zoning Ordinance. The applicant is required to address these criteria (see application); below are staff’s findings which are independent of the applicant’s responses to these criteria.

- 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 13 acres and consists of a 252,091-square foot office building and associated parking. The site is adequate in terms of land area; however, the size of the parcel would typically yield lower story buildings spread out across more of the parcel. While NL-2 allows for 9 story buildings, that height is typically seen on smaller, more compact properties. 9 story buildings also typically include parking decks instead of surface parking, which would assist with the appearance of the site being under parked.

If approved, this development would have the third highest unit count in Tucker after East Ponce Village (1,071 units on 94.9 acres) and The Park at East Ponce (722 units on 64.9 acres).

Recent Northlake multifamily development include Northlake Senior (90 units on 1.67 acres/53.89 units per acre), The Reid (245 units on 8.65 acres/28.32 units per acre), and Green Park (310 units on 15.57 acres/19.91 units per acre). Staff will note that Northlake Senior was entitled under the old Northlake Overlay which had language referencing up to 60 units per acre with a SLUP in Tier 1.

While the applicant is requesting four concurrent variances with the SLUP request, the variances do not directly speak to the adequacy of the size of the site, but of existing site issues and ways to mitigate the mass and scale of the proposed development.

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

From a land use standpoint, the proposed development is compatible with the land uses and development of adjacent properties. The variety of multi-family units will support the office development that currently exists on the property, as well as other uses within the Northlake Corridor. While the site does not directly abut single-family detached residential, single-family homes are located approximately 285-feet to the southwest and approximately 397-feet to the north.

**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 49 students to DeKalb Schools, which includes 19 at Midvale Elementary, 8 at Tucker Middle, 12 at Tucker High, 8 at other DCSD schools, and 2 at private schools. DeKalb County School District stated that “enrollment at Tucker Middle School is already over capacity and this development may cause additional strain on the facility.”

**Stormwater management.** Owner/developer shall provide stormwater management in compliance with Tucker’s Post Construction Stormwater Management Ordinance.

**Water and sewer.** Water and sewer approval is required by the DeKalb County Department of Watershed Management. Approval of the SLUP shall be conditional to Watershed approval.

**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 three existing full-access curb cuts, one along Northlake Parkway and two along East Exchange Place. The applicant is requesting that all three curb cuts remain. If the project is approved, the City Engineer has included a condition that the full access curb cut along Northlake Parkway be limited to a right-in/right-out only curb cut. A deceleration lane would also be required along Northlake Parkway, if approved.

The traffic study shows that the proposed project is estimated to generate a net of 3,390 total daily trips, which includes 246 AM peak hour trips and 271 PM peak hour trips. The applicant submitted a trip generation comparison memo which analyzed the traffic generated by the existing office building with the proposed development, however, the office building is not fully leased so the numbers do not accurately reflect what would be occurring at the site, if fully leased. The trip generation comparison memo also allows for a mixed-use reduction, which shows the net new trips at 3,334, with 243 AM peak and 267 PM peak.



- 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.**

Land Uses along Northlake Parkway could be adversely affected as the character of the vehicles and the volume of traffic generated by the proposed use is likely to increase significantly along Northlake Parkway and East Exchange Place with the increase of 497 residential units.

- 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. The ingress and egress to the site will change slightly in that the drive along Northlake Parkway will be reconfigured from a full-access drive to a right-in/right-out only drive. This will direct all left turns to the traffic signal at Northlake Parkway and East Exchange Place. Sufficient access is currently provided for emergency vehicles.

- 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.**

The residential portion of the development, if approved, will not result in unusual hours of activity. Additionally, the applicant's letter of intent states the site's office component will have hours of operation similar to those of other office uses in the surrounding area.

- 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 density of over 38 units per acre could affect the existing use or usability of nearby properties. If the proposed development is approved, the remaining office building would only be accessible through the new development. Additionally, Northlake Parkway and East Exchange Place would see an increase in traffic as a result of the new residential and live/work units.

- 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 use is not entirely consistent with the zoning district requirements. Issues include the four concurrent variances, parking concerns, and the "live-work" units not meeting the definition of this use by incorporated an integrated work space. Sufficient information has not been provided regarding residents partaking in the co-working spaces will comply with Occupational Tax Certificate requirements (OTC) of the city. The development will require further

review regarding landscaping, exterior building materials, crosswalks, etc., at the time of Site & Land Development Review, if approved.

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

The subject property and the surrounding immediate area are located in the Regional Activity Center on the Future Land Use Map. Uses typically include a higher-density mix of retail, office, housing, and services, and employment to serve a regional market area. Because the location is readily accessible from the highway, future development in the Northlake area is considered both desirable and appropriate. Primary land uses include townhomes, higher density multi-family, including apartments and condominiums, retail and service commercial, office, entertainment and cultural facilities, and public and private recreational uses.

The proposed redevelopment of a higher-density mixed-use development (residential and office) with workforce housing meets the intent of the Comprehensive Plan.

**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.**

Not applicable.

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

The submitted site plan does not show dumper locations, however the applicant's letter of intent states adequate refuse and services areas will be provided. It should be noted that the location of dumpster facilities will be required and vetted during the site/development review process, should the application be approved. The addition of several dumpsters could decrease the number of parking spaces or open space.

**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 result in the residential building along East Exchange Place to be set close to the road activating a more pedestrian oriented streetscape. While the two residential buildings fronting Northlake would be setback a maximum of 105 feet (Residential 1) and 78 feet (Residential 2) from the property line, the location of these buildings would be appropriate because of the cohesiveness this setback would create. By pushing the buildings closer to the existing office building, more usable green space and a large amenity area have been added, central to the development.

Because of the topography and the location of the property, bordered by a rail line and overpass, buildings set closer to Northlake Parkway would not be as appropriate here as at other locations within the Northlake Area. The massing of 8-story buildings would also not be as appropriate directly abutting this portion of Northlake Parkway. Setting them back would create less impact on adjacent properties as it will help to minimize the massing and scale of the building from a pedestrian experience. It is staff's opinion that the building size, mass, and scale will be the most appropriate in relation to surrounding land uses as presented on the January 14, 2022 site plan.

**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.**

Not applicable.

**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.**

The height of the proposed residential buildings would be approximately eight stories, for the two buildings fronting Northlake Parkway, and nine stories, for the residential building adjacent to East Exchange Place, with the submitted site plan showing the proposed building heights to be 83' tall and 89' tall, respectively. The existing office building on the property is a five-story concrete and glass building approximately 87' tall. While the site does sit lower than Northlake Parkway, the grade change is not significant enough for the proposed residential buildings to sit that much lower than the road. The proposed apartments would likely create a shadow impact on adjoining lots or buildings as there are no buildings of a similar height, other than the existing office building on the subject property, in the area. However; the proposed residential apartment buildings that would front Northlake Parkway would be setback over 75 feet, which will help to reduce the amount of negative shadow that they would create.

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

Although there is a small existing apartment complex located diagonally across Northlake Parkway, staff would not consider the redevelopment of the site with 497 residential units to be a proliferation of this use in the area as no other multifamily developments exist in this quadrant of Northlake.

**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 mixed-use development could be considered consistent with the needs of the Northlake corridor, specifically the southeastern quadrant. The project will offer a unique blend of office and residential on the same site. Integrating workspace into each of the 129 units in the existing office building would make the development more unique by offering a housing type that does not currently exist in the City of Tucker. It would also ensure residents who move into the units work from home or have their own businesses, further ensuring success of the development as a whole.

### **CONCLUSION**

Although the request meets the intent of the Comprehensive Plan in terms of primary land uses and development strategies, the massing, scale, and density of the proposed development does not comply with the surrounding area. A parking deck, reduced unit count, integrating work space into the 129 units in the existing office building, and improved architectural features would make the development more compatible with the character of the area. Smaller building massing would also be more appropriate to locate abutting the street, creating a more pedestrian oriented community.

However, the proposal would cater to a demographic who wants the option to live and work in the same location and provide an important workforce housing component in the city.

Therefore, Staff recommends **DENIAL** of **SLUP-22-0001**.

### **Concurrent Variance (CV-22-0001) MAXIMUM FRONT SETBACK**

A concurrent variance has been requested to Table 3.10, *Northlake District Dimensional Requirements*, in order to increase the front setback along Northlake Parkway for the proposed development. The NL-2 zoning district allows for a 0' minimum front setback and a 30' maximum front setback for all buildings. The applicant is proposing that residential building-1 be setback a maximum of 105-feet from Northlake Parkway and that residential building-2 be setback a maximum of 78-feet from Northlake Parkway.

Staff would like to note that the existing office currently sits approximately 347 feet back from Northlake Parkway. The proposed apartment building along East Exchange Place would be located approximately 15' back from the property line, in compliance with the setback requirements.

Staff has recommended approval of the concurrent variance should the SLUP be recommended for approval by PC or approved by City Council. If the SLUP is denied, then the concurrent variances should be denied.

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 approximately 13-acre parcel is not exceptionally narrow or shallow, nor is there exceptional topography on the lot. While the property does sit lower than Northlake Parkway, the change in grade is not significant enough to warrant a hardship. That said, the property is already developed and graded. The intent of the maximum setback requirement is to push buildings closer to the street to activate the street and to provide a safer, more interesting experience for residents and citizens that would be using the sidewalk along Northlake Parkway. While the two residential buildings fronting Northlake are proposed to be setback approximately 78-105 feet from the street, having these buildings set closer to the existing office building helps to soften the height of the proposed 8 story buildings along Northlake Parkway and creates a more cohesive development by connecting three of the buildings with green space. This property is uniquely situated between the Northlake Parkway overpass, East Exchange Place, and a rail line. While buildings closer to the street are recommended within the Northlake zoning districts, the location of the subject site may not be the best candidate for this requirement as this could create unsafe conditions for the residents of the apartments and employees of the office building, as Northlake Parkway is a heavily trafficked and high-speed road within the City.

**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, however the variance may grant the applicant a special privilege. While the property has some grade change, it isn't a significant enough change to limit the applicant from being able to locate the residential buildings closer to the street and tuck the parking behind the apartment buildings.

**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 the requested variance will not be materially detrimental to the public welfare or injurious to the property. Although two of the buildings will not be located within 30' of Northlake Parkway, the proximity of the two residential buildings fronting Northlake and the existing office building will create a sense of place and a large open space/amenity area for the residents and employees. By pushing the buildings closer to each other, the development will have a more residential feel and will create an interconnected development. Additionally, the building along East Exchange Place will not need a variance and is compliant with the maximum front yard setback. Staff finds that it is much more appropriate to set the residential building along East Exchange Place closer to the road than the two buildings that will front Northlake.

**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 would not cause undue and unnecessary hardship for the applicant as the property is already developed and graded. The apartment buildings and parking along Northlake Parkway could be flipped with minimal effort, causing the apartments to sit closer to Northlake Parkway.

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

The variance request and site plan are not consistent with the intent of the comprehensive plan in that Northlake Parkway will not be activated and parking will be visible from the road. By complying with the maximum front setback, the applicant could provide connections from the proposed units to the sidewalk along Northlake Parkway which could create a unique and activated streetscape.

**Conclusion:** Staff recommends **APPROVAL of CV-22-0001** if SLUP-22-0001 is recommended for approval/approved.

**Concurrent Variance (CV-22-0002) PARKING IN THE FRONT YARD**

A concurrent variance has been requested to Section 46-1419, *Additional standards for multifamily, nonresidential, large-scale retail, live/work and mixed-use buildings*, in order to allow parking in the front yard. The applicant is proposing two rows of parking along Northlake Parkway and 7 spaces in the front yard along East Exchange Place.

Staff would like to note that the site is currently constructed with a large amount of parking in the front yard along East Exchange Place and Northlake Parkway, in front of the existing office building. With the proposed development, a significant amount of the existing parking spaces will be reconfigured or eliminated.

Staff has recommended approval of the concurrent variance should the SLUP be recommended for approval by PC or approved by City Council. If the SLUP is denied, then the concurrent variances should be denied.

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.**

Although it could be argued the property is oddly shaped, at 13 acres, the parcel is quite large, not exceptionally narrow or shallow and there is no exceptional topography on the lot, as the property is already developed and graded. The applicant has worked thoroughly with staff to create a sense of place within this unique type of development. By allowing parking in the front yard, along Northlake Parkway, the residential buildings will be pushed more towards the center of the parcel, creating a larger open space and amenity area. Additionally, the applicant intends to heavily screen the parking along Northlake Parkway. The applicant is also proposing seven parking spaces in the front yard along East Exchange Place. While parking along Northlake Parkway may be necessary for the development and not as easily reconfigured, the seven parking spaces east of the third residential building could be

eliminated and used as green space. It is of staff's opinion that the parking spaces along East Exchange Place be removed to incorporate an additional green space or amenity feature.

**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, and the variance would not grant the applicant a special privilege. The subject property is very unique in its location and that it is already completely developed. The amount of parking between the building the street will be reduced, bringing the property more into compliance than it is currently. The intent of the code is to have the building at the street with the parking in the rear in order to activate a pedestrian oriented streetscape. A nine-story building that sits slightly below grade will not achieve this.

**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 the requested variance will not be materially detrimental to the public welfare, as the site is currently developed with parking in the front yard, along both Northlake Parkway and East Exchange Place. While parking would still be located within the front yard along both streets, the applicant is proposing to remove a significant amount of parking, which will break up the existing parking lot and create a more attractive development.

**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 would not cause undue and unnecessary hardship.

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

The subject property is located within the Regional Activity Center Character Area, which specifically states "development strategies should focus on redeveloping and retrofitting the area to include more residential uses." The applicant has worked to create a plan that meets the intent of the Comprehensive Plan and is compliant with the standards of the NL-2 zoning district. While the applicant is proposing parking in the front yard with the redevelopment of the site, the subject property is uniquely situated. Additionally, as the site is currently developed, parking exists in the front yard.

**Conclusion:** Staff recommends **APPROVAL of CV-22-0002.**

## **Concurrent Variance (CV-22-0003) BLOCKS AND LOTS**

A concurrent variance has been requested to Section 46-1037 of the City of Tucker Zoning Ordinance, *Blocks and lots*, in order to eliminate block and street stub-out requirements. This section requires a maximum 300-foot block length, which would result in the property needing another curb cut along

Northlake Parkway or the reconfiguration of the existing curb cut. The applicant is proposing to leave the existing curb cut along Northlake Parkway as is and eliminate this requirement.

Staff has recommended approval of the concurrent variance should the SLUP be recommended for approval by PC or approved by City Council. If the SLUP is denied, then the concurrent variances should be denied.

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 subject property is approximately 13 acres and while the parcel is not exceptionally narrow or shallow, and there is no exceptional topography on the lot, the site is already graded and developed with three access points; two from East Exchange Place and one via Northlake Parkway. Because of the existing curb cuts, the property does present a unique situation and shape that may impact the applicant's ability to add an additional curb cut along Northlake Parkway.

- 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 and the variance would not grant the applicant a special privilege. The property was developed in the 70's and currently has three access points. The applicant would need to reconfigure the existing curb cut along Northlake Parkway or add an additional curb cut along Northlake Parkway. The City Engineer has concluded that the existing full access curb cut along Northlake be reconfigured to only be a right in/right out curb cut, which would help limit the number of unsafe left turns that could be anticipated as a result of this development. The existing curb cut along Northlake lines up with the drive to Firestone Automotive, changing this could lead to unsafe conditions and would add an additional curb cut to Northlake Parkway, which doesn't comply with the goals and intent of the Comprehensive Plan.

- 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 the requested variance will not be materially detrimental to the public welfare, as the site is currently developed with a curb cut along Northlake Parkway. The City Engineer has stated the reconfiguration of the existing drive aisle, from full access to right-in/right-out only, is imperative to the safety of the site.

- 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 may cause undue and unnecessary hardship for the applicant as meeting the 300' block length requirement would require significant reconfiguration of the property.

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

The variance request and site plan are consistent with the intent of the comprehensive plan in that they limit the number of curb cuts along Northlake Parkway to one curb cut.

**Conclusion:** Staff recommends APPROVAL of CV-21-0003.

**Concurrent Variance (CV-22-0004) INTER-PARCEL ACCESS**

A concurrent variance has been requested to Section 46-1039 of the Tucker Zoning Ordinance regarding inter-parcel access for properties located within the Northlake Zoning districts. Section 46-1039(a) states inter-parcel access shall be required for all new development.

Inter-parcel access for vehicles between abutting and nearby properties should be provided as an alternative to forcing all movement onto highways and public roads, unless the community development director during the land disturbance permitting process determines that it is unnecessary to provide inter-parcel access due to the unlikelihood of patrons traveling among abutting or nearby sites, or due to inability after reasonable efforts by the property owner to obtain legal permission.

Staff has recommended approval of the concurrent variance should the SLUP be recommended for approval by PC or approved by City Council. If the SLUP is denied, then the concurrent variances should be denied.

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 subject property is a large, 13-acre parcel that is not exceptionally narrow or shallow, and there is no exceptional topography on the lot. The property is surrounded to the north by East Exchange Place, to the south by a railroad, to the west by Hudson Grille and Northlake Parkway, and to the east by Oglethorpe Power Corporation. Some differences in topography exists between Tucker Exchange and Hudson Grille, making a vehicular connection difficult. Inter-parcel access to the property to the west would not be feasible, as the only point of connection to the subject property is near Oglethorpe Power Corporation's parking deck, which sits significantly lower than the subject property. While vehicular access to adjacent properties may not be achievable, pedestrian access to the parcel west of the site, Hudson Grille would be appropriate and would be an added benefit to the residents of the

proposed apartment buildings and employees of the Tucker Exchange office building, as these patrons would be able to safely walk from the subject property to Hudson Grille without getting on a major road.

- 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, nor would the variance grant the applicant a special privilege. The subject property already has three access points from two different roads and the inter-parcel access may be more of a detriment to the neighboring property, Hudson Grille, than it would be a benefit. Additionally, the property is surrounded by two roads and a railroad track, creating a limited amount of space in which vehicular inter-parcel access could occur. Staff does believe the applicant could incorporate a pedestrian connection to Hudson Grille.

- 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 the requested variance will not be materially detrimental to the public welfare, however requiring the inter-parcel access could be problematic for the patrons of Hudson Grille. Per the submitted traffic impact study, the project is expected to create over 3,400 daily trips, which could greatly impact the neighboring property's infrastructure.

- 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 may cause undue and unnecessary hardship for the applicant as providing vehicular access to adjacent sites may be difficult due to the grade change and the subject property sitting at a lower elevation than its neighbors. However, providing pedestrian access to the Hudson Grille parcel to the west may be feasible.

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

The variance request and site plan are consistent with the intent of the Comprehensive Plan in that the submitted site plan provides connections from the proposed units to the sidewalk along Northlake Parkway using the internal sidewalk system. Additional sidewalks shall be added by the residential building along East Exchange Place to connect those units to the East Exchange Place sidewalk. While a trail easement is shown through the site, it will need to be constructed by the developer in order to meet the spirit and purpose of this chapter and the comprehensive plan.

**Conclusion:** Staff recommends **APPROVAL of CV-22-0004.**

## Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petition **SLUP-22-0001**.

**If the SLUP is denied, the concurrent variances should be denied as well. However, if the SLUP is recommended for approval/approved, staff recommends approval of the four concurrent variances (CV-22-0001, CV-22-0002, CV-22-0003, & CV-22-0004).**

Should the governing bodies choose to approve the Special Land Use Permit request, Staff recommends the request be approved subject to the following conditions:

1. The property shall be developed in general conformance with the site plan received by the City of Tucker Planning and Zoning Department on January 14, 2022, with changes to meet these conditions and other requirements of the code.
2. The use of the development shall be limited to office, co-working space, and multifamily residential, which shall consist of a maximum of 368 multi-family units in three residential buildings and a maximum of 129 residential units in the existing office building.
3. The 129 residential units in the existing office building shall be limited to one- and two-bedroom units with dedicated workspace within each unit.
4. The two apartment buildings closest to Northlake Parkway shall be limited to a maximum height of 8 stories or 83' and the third apartment building, closest to East Exchange Place shall be limited to 9 stories or 89'.
5. Building elevations shall be constructed in general conformance with the architectural designs received by the City of Tucker Planning and Zoning Department on January 18, 2022.
6. Additional parking shall be provided, as well as additional parking lot landscaping that complies with the regulations of the Zoning Ordinance.
7. All ground floor units fronting Northlake Parkway shall have a patio with direct access to an internal sidewalk.
8. All ground floor units abutting the common amenity space shall have a patio with direct access to the amenity space.
9. All signage shall comply with the Sign Ordinance.
10. Utilities shall be located underground.

11. The minimum lease term shall not be shorter than 6 months.
12. An on-site leasing office with property maintenance staff shall be provided to serve as a contact point for residents and local authorities.
13. All businesses operating at this location, including the office spaces and residential units, shall comply with the City of Tucker requirements for Occupational Tax Certificates.
14. 15% of the units shall qualify as workforce housing units, defined as housing that is affordable to households earning between 80 and 140 percent of area median income (AMI). AMI shall be defined as the area median income for the area within a 3-mile radius of the subject property at the time of Certificate of Occupancy issuance.
15. Owner/Developer shall allow for future interparcel access to the adjacent properties to the east and west. Wheel stops may be temporarily put in drive aisle radius to allow parking until the adjacent properties are redeveloped. Owner/Developer shall grant a construction easement to adjacent property owner when the future interparcel access to the east and/or west is constructed.
16. Owner/Developer shall construct a ten foot (10') wide concrete trail and a five foot (5') landscape strip along the entire frontage of Northlake and East Exchange Place. An additional five foot (5') wide street furniture zone shall be provided along Northlake Parkway.
17. Owner/Developer shall construct a ten foot (10') wide concrete trail through the center of the development and shall provide the city with a permanent easement for the trail. The easement shall be dedicated at no cost to the City by time of LDP issuance.
18. Owner/Developer shall construct ADA compliant internal sidewalks and crosswalks that will provide pedestrian connectivity from all apartment buildings to the sidewalk along Northlake Parkway and East Exchange Place. A pedestrian Circulation plan shall be subject to review and approval of the Planning and Zoning Director.
19. A maximum of twenty percent (20%) of parking spaces may be compact spaces. A compact space shall be defined as any space narrower than nine feet (9') in width. Compact spaces shall be identified with appropriate signage.
20. The Development shall be limited to a maximum of one (1) right in / right out only curb cut on Northlake Parkway and two (2) full access curb cuts on East Exchange Place.
21. Owner/Developer shall construct a deceleration lane at the site entrance on Northlake Parkway.



22. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way along the entire frontage of Northlake Parkway such that there is a minimum of seventy-five feet (75') from centerline, twelve feet (12') from back of curb, or two feet (2') from back of sidewalk, whichever is greater.

## Department Comments

### DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

- Sewer capacity approval is needed.
- This location is upstream of capacity sewer spills. Because of this, approval will need to be granted using the upcoming sewer credit bank.

### DEKALB COUNTY FIRE MARSHAL OFFICE

- Please provide fire apparatus turn-simulation.
- Access roads shall be in accordance with IFC appendix D
- All hydrants and fire lines shall be shown on the plans.
- Fire line serving hydrants, and fire sprinkler system shall be 8"
- FDC shall be remote and visible.
- If structure is more than 30 feet in height, 26 feet wide fire lanes needed.
- If project is over 62,000 sq.ft. then will need to have two forms of fire access (exceptions depend on if building has sprinkler system can be up to 124,000 sq.ft. without sprinkler).
- Fire lane shall be minimum 26 feet wide and on at least one long side of building fire lane shall fall between 15 to 30 feet for aerial. 2 sides or more preferred best practice.
- All high rises shall have minimum 2 FDC's and hydrants shall be within 100 feet of fdc.
- No overhead walkway shall be less than 13 feet if over fire lane.
- All transformers shall be more than 14 feet from any exits or passageways and 20 feet from any generators.
- Any overhead power lines shall not interfere with aerial operations.
- Any part of fire lane where fire apparatus has to travel more than 150 feet, a turn around in accord with 2018 IFC appendix D103.1 shall be provided.
- Any gates over fire lane shall be in accord with Dekalb municode Fire chapter 12. Fire lane slop max is 10%.
- All retaining walls shall not obstruct use of any fire safeguards fdc, hydrant etc.
- Any project over 12,000 sq.ft. now required to have fire radio test to meet requirements of 2018 IFC chapter 5.

### DEKALB COUNTY SCHOOL SYSTEM

When fully constructed, this development would be expected to generate 49 students: 19 at Midvale Elementary, 8 at Tucker Middle School, 12 at Tucker High School, 8 at other DCSD schools, and 2 at private schools. Although enrollment at Tucker MS is over capacity, the development is expected to have minimal impact.

### CITY ENGINEER

- The traffic study should be sealed/signed by a registered Professional Engineer.

- Project DK-160 is not supported by the City of Tucker and we have requested that ARC remove it from the TIP.
- Revise the trip distribution to show the driveway on Northlake Pkwy as a right in / right out only.
- The southbound approach of Northlake Pkwy @ Lawrenceville Hwy is currently operating as a Level of Service F. No recommendations were given to improve this movement. Please re-evaluate.

LAND DEVELOPMENT

- LDP will be required, including landscape plans and tree density calculations.
- Detention will need to be vetted as it is unclear if the proposed underground detention will be tied to the existing system.



## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Courtney Smith, Community Development Director  
**CC:** John McHenry, City Manager  
**Date:** July 2, 2024  
**RE:** Memo for SLUP-24-0003, CV-24-0003, CV-24-0004, CV-24-0005

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**Contract/Document Number:** O2024-07-11

### Description for on the Agenda:

First read and public hearing of an Ordinance for a special land use permit (SLUP-24-0003) and concurrent variances (CV-24-0003, CV-24-0004, and CV-24-0005) to allow a bank with a drive-thru ATM configuration at 3925 Lavista Road for applicant Southeastern Retail Development, LLC c/o Alec Lesley.

### Issue:

The applicant, Southeastern Retail Development, LLC, is requesting a Special Land Use Permit (SLUP) with three concurrent variances for the property located at 3925 Lavista Road to allow for a bank with two drive-through ATMs in the NL-1 (Northlake High-Intensity Commercial) zoning district. Facilities, such as banks, with a drive-through configuration are only allowed in the Northlake special zoning districts (NL-1, NL-2, and NL-3) with the approval of a SLUP to ensure compatibility with surrounding developments and consistency with the City of Tucker's Comprehensive Plan. The applicant is also requesting relief from the following code regulations: the 65% minimum storefront fenestration requirement along public streets (CV-24-0003); the maximum front setback distance in the NL-1 zoning district (CV-24-0004); and the maximum parking requirements for bank (office) use (CV-24-0005).

### Recommendation:

Staff recommends approval with conditions of SLUP-24-0003, CV-24-0003, and CV-24-0004.  
Staff recommends denial of CV-24-0005.

Planning Commission recommends approval with conditions of SLUP-24-0003, CV-24-0003, and CV-24-0005. Planning Commission recommends denial of CV-24-0004.

### Background:

The proposed bank includes a 1,900 square foot main building, two drive-through ATMs, and a dumpster enclosure. The drive-through lanes are at the southern (rear) portion of the property and include a third lane for bypass traffic. Currently the parcel has three curb cuts: one on Lavista Road and two on Montreal Road. The proposal maintains the Lavista Road curb cut and the southernmost Montreal Road curb cut. The second curb cut on Montreal Road that is closer to the intersection would be eliminated. A screened dumpster enclosure is proposed near the southwestern corner of the property, away from the street fronts.

### Summary:

While the proposed use is not entirely consistent with the Town Center Character Area, staff does not believe this use would cause a disproportionate proliferation of drive-through facilities or be detrimental to the intents of the NL-1 zoning district and the Town Center Character Area. Redevelopment of this property will increase greenspace and sidewalks, which could eventually spur more redevelopment and walkability.

**Financial Impact:**

N/A



**AN ORDINANCE FOR SPECIAL LAND USE PERMIT 24-0003 IN LAND LOT 190 OF THE 18<sup>th</sup> DISTRICT TO ALLOW FOR A BANK WITH A DRIVE-THROUGH ATM CONFIGURATION AT 3925 LAVISTA ROAD FOR SOUTHEASTERN RETAIL DEVELOPMENT, LLC C/O ALEC LESLEY.**

**WHEREAS:** Notice to the public regarding said special land use permit and concurrent variances have been duly published in The Champion, the Official News Organ of Tucker; and

**WHEREAS:** A Public Hearing was held by the Mayor and City Council of Tucker on July 8, 2024 and August 12, 2024;

**WHEREAS:** The Mayor and City Council is the governing authority for the City of Tucker;

**WHEREAS:** The Mayor and City Council have reviewed the special land use and concurrent variance requests based on the criteria found in Section 46-1594 and Section 46-1633 of the Zoning Ordinance of the City of Tucker;

**NOW THEREFORE,** the Mayor and City Council of the City of Tucker while in Regular Session on August 12, 2024 hereby ordains and approves Special Land Use Permit 24-0003 to allow for a bank with a drive through ATM configuration, subject to the following conditions.

1. The property shall be developed in general conformance with the site plan stamped "RECEIVED City of Tucker July 2, 2024 Planning and Zoning Department".
2. The minimum fenestration for the bank building shall be reduced to 46.7% on Lavista Road and to 32.7% on Montreal Road, per the elevations stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department" (CV-24-0003).
3. The maximum setback along Lavista Road shall be increased to accommodate the building placement shown on the site plan stamped "RECEIVED City of Tucker July 2, 2024 Planning and Zoning Department" (CV-24-0004).
4. A landscape plan shall be submitted with the Land Disturbance Permit (LDP), subject to review and approval of the Community Development Director. The plan must meet the tree density requirement of thirty (30) tree density units per acre.
5. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip on the western and southern sides of the property, and along Montreal and Lavista Roads, per the site plan stamped "RECEIVED City of Tucker July 2, 2024 Planning and Zoning Department".

Department”, to screen the appearance of the travel lanes and parking from adjacent properties and the streets.

6. The drive-through canopies, windows, and lanes shall comply with the requirements of Section 46-1045 and Section 46-1166.
7. The existing ground sign on the property shall be removed, including the posts and base.
8. A stormwater detention plan must be submitted with the Land Disturbance permit application.
9. Owner/Developer shall construct a six-foot (6’) wide sidewalk with a two-foot (2’) grass strip along the entire frontage of Montreal Road.
10. The development shall be limited to one (1) right in/right out only driveway on Lavista Road.
11. If interparcel access is to be provided with the adjacent property, a recorded access agreement must be provided.
12. Owner/developer must coordinate any improvements on Lavista Road with the Georgia Department of Transportation’s upcoming operational improvement project (Ops ID #20-7060).
13. Owner/developer shall dedicate additional right-of-way along the entire frontages of Lavista Road and Montreal Road such that there is a minimum of forty feet (40’) from the centerline of the road, or two feet (2’) from the back of sidewalk, whichever is greater.

So effective this 12<sup>th</sup> day of August 2024.

Approved by:

\_\_\_\_\_  
Frank Auman, Mayor

Attest:

\_\_\_\_\_  
Bonnie Warne, City Clerk

SEAL



**Land Use Petitions:** SLUP-24-0003, CV-24-0003, CV-24-0004, CV-24-0005

**Planning Commission:** June 20, 2024

**Mayor and City Council, 1<sup>st</sup> Read:** July 8, 2024

**Mayor and City Council, 2<sup>nd</sup> Read:** August 12, 2024

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<b>PROJECT LOCATION:</b>	3925 Lavista Road
<b>APPLICATION NUMBER:</b>	SLUP-24-0003
<b>DISTRICT/LANDLOT(S):</b>	18 <sup>th</sup> District, Land Lot 190
<b>ACREAGE:</b>	±0.679 acres
<b>EXISTING ZONING:</b>	NL-1 (Northlake High-Intensity Commercial)
<b>EXISTING LAND USE:</b>	Restaurant
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Town Center
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	Southeastern Retail Development, LLC, c/o Alec Lesley
<b>OWNER:</b>	Reeves and Flowers Partnership, LLC
<b>PROPOSED DEVELOPMENT:</b>	SLUP to allow a drive-through ATM for a bank with three concurrent variances for minimum storefront fenestration, maximum front setback and maximum parking
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL with conditions of SLUP-24-0003</b> (bank with drive-through ATM) <b>APPROVAL of CV-24-0003</b> (minimum fenestration) <b>APPROVAL of CV-24-0004</b> (maximum front setback) <b>DENIAL of CV-24-0005</b> (maximum parking)

## Project Data and Background

The applicant, Southeastern Retail Development, LLC, is requesting a Special Land Use Permit (SLUP) with three concurrent variances for the property located at 3925 Lavista Road to allow for a bank with two drive-through ATMs in the NL-1 (Northlake High-Intensity Commercial) zoning district. Per the Land Title Survey dated February 16, 2024, the subject parcel is 0.679 acres. Located at the southwestern corner of the intersection of Lavista and Montreal Roads, the proposed area is currently developed as Kacey's Home Cooking restaurant.

Facilities, such as banks, with a drive-through configuration are only allowed in the Northlake special zoning districts (NL-1, NL-2, and NL-3) with the approval of a SLUP to ensure compatibility with surrounding developments and consistency with the City of Tucker's Comprehensive Plan. The applicant is also requesting relief from the following code regulations: the 65% minimum storefront fenestration requirement along public streets (CV-24-0003); the maximum front setback distance in the NL-1 zoning district (CV-24-0004); and the maximum parking requirements for bank (office) use (CV-24-0005).



*Figure 1. Aerial image of 3925 Lavista Road and adjacent properties.*

Several other drive through facilities, including multiple banks and other restaurants, are located nearby, but many were developed prior to the incorporation of the City of Tucker in 2016. SLUP-16-004 (Ordinance O2016-12-47) was approved in 2016 for Einstein Bros Bagels with a drive-through configuration at the Tucker Meridian shopping center. SLUP-21-0001 (Ordinance O2021-03-04) was



approved in 2021 for a CDC Federal Credit Union branch with a drive-through configuration as an outparcel development at Northlake Mall. On June 10, 2024, the City Council approved a Jim 'N Nick's Barb-B-Q restaurant with a double drive-through (SLUP-24-0002) on the outskirts of Northlake Mall fronting Briarcliff Road.



*Figure 2. 3925 Lavista Road (Google Streetview Jan 2024).*

Fifth Third Bank is a large national consumer bank based in Cincinnati, Ohio. Currently there are more than 25 locations in Georgia, and Fifth Third seeks to expand their presence in the state with a new location in Tucker.

The proposed bank includes a 1,900 square foot main building, two drive-through ATMs, and a dumpster enclosure. The drive-through lanes are at the southern (rear) portion of the property and include a third lane for bypass traffic. Currently the parcel has three curb cuts: one on Lavista Road and two on Montreal Road. The proposal maintains the Lavista Road curb cut and the southernmost Montreal Road curb cut. The second curb cut on Montreal Road that is closer to the intersection would be eliminated. A screened dumpster enclosure is proposed near the southwestern corner of the property, away from the street fronts.

In addition to development standards found in Chapter 46, Division 3 (Northlake Zoning Districts) in the City of Tucker Code of Ordinances, drive-through facilities must also comply with the supplemental use regulations found in code Section 46-1166. These use regulations stipulate that a minimum of three cars should be able to stack in each drive-through lane, that the lanes must be properly striped and avoid

crossing parking areas, and that a pass-through lane is built that allows vehicles to travel around the property and avoid the drive-through. Per code Section 46-1045, regulations for drive-through facilities specifically in the Northlake districts, the drive-through windows and lanes must be screened by a continuous compact evergreen hedge, or a screening wall with a minimum height of four feet. The proposed bank with two drive-through facilities meets these drive-through regulations.

### **USE ANALYSIS AND DEVELOPMENT PERMISSIONS**

The purpose and intent section of the NL-1 zoning district (Sec. 46-1032) indicates the NL-1 zoning district is established “to allow for the most intense mixed-use development in Tucker. It encourages the redevelopment of parking lots into a mix of retail, office, and residential uses in the same development.” Additional intents of all Northlake districts are to “encourage development and redevelopment of properties in order to achieve a mixed-use community, to provide for the development of sidewalks and walkways to promote safe and convenient pedestrian access and to reduce dependence on automobile travel, and to promote a physically attractive, environmentally safe and economically sound mixed use community,” and other statements of intent focusing on commercial and residential redevelopment that enhances the long-term economic viability of the Northlake area and forms a well-designed, pedestrian-friendly activity center. Drive-through facilities in the Northlake districts, both restaurants and otherwise, require a SLUP and reviewal on a case-by-case basis to ensure compatibility with the surrounding area, the intent of the zoning districts and the future land use designations in this area of the city.

A bank with a double drive-through is partially compatible with the purpose and intent of the Northlake special zoning districts. Compatible elements include larger sidewalks that improve walkability along both Lavista and Montreal Roads, and increased open space, which improves the aesthetics as well as environmental aspects of the site. The proposed building is placed closer to the road than the existing structure, has pedestrian entrances on the primary elevations, and does not have parking between the building and the street. Existing restaurants with a drive-through that are located nearby and within the City of Tucker include Captain D’s Seafood Kitchen, Smoothie King, Chipotle, and Chick-fil-A. Nearby banks with drive-through service include Regions Bank and Georgia United Credit Union. Although the proposed bank with drive-through is unlikely to reduce dependence on automobile travel, the redevelopment of the site creates more green space in the area and could spur further redevelopment.

### **CHARACTER AREA (Future Land Use)**

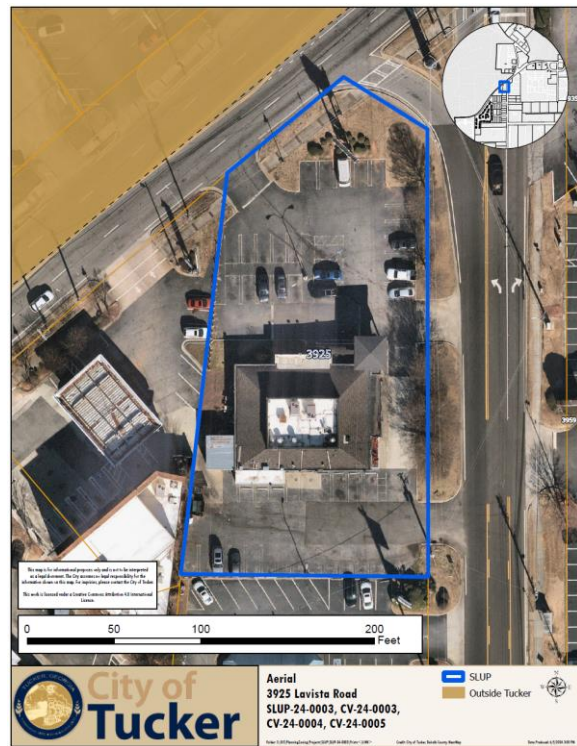
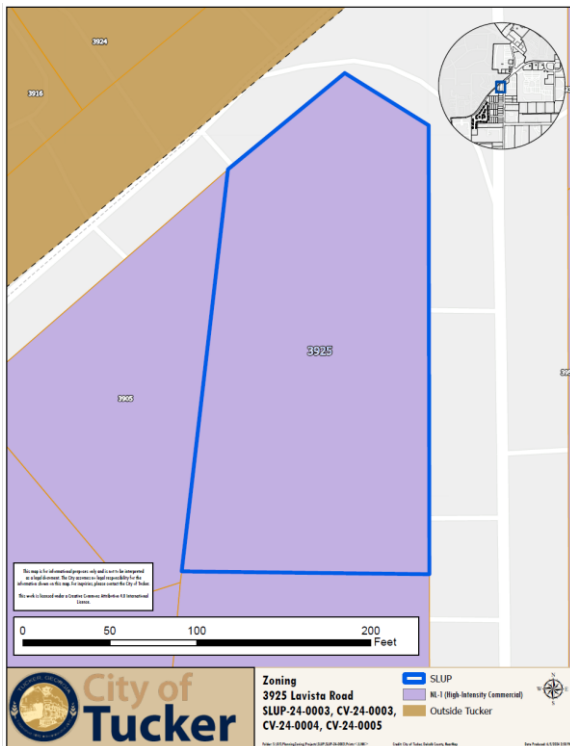
The subject parcel is designated Town Center on the Future Land Use Map. The Town Center Character Area is a new designation in the City’s 5-Year Comprehensive Plan update in 2023, replacing the previous designation of Regional Center. The bank proposal is consistent with some aspects of the Town Center Character Area and inconsistent with others. Much of the intent of the Town Center Character Area is to promote higher intensity residential and commercial uses, reduce automobile travel and promote walkability in Town Center-designated areas. The proposed development likely would not reduce automobile travel nor promote walkability, but one curb cut close to the intersection of Montreal and Lavista Roads will be removed, and the sidewalks will be replaced with ten-foot multi-use trails. The property is also conveniently located along the current MARTA bus route 30 on Lavista Road, which serves the Northlake area and connects to the Lindbergh Center station and is near a stop for MARTA bus route 125, which connects the Northlake area to Kensington Station.

**PUBLIC PARTICIPATION PLAN REPORT**

The applicant hosted a public participation meeting on April 10, 2024. The meeting was held at 4083 Lavista Road (conference room at Courtyard Marriott) and lasted approximately 60 minutes. Prior to the meeting, the applicant mailed a letter, the proposed site plan and building elevations to all property owners within 500’ of the subject parcel. There were five (5) people in attendance. The applicant’s report listed questions regarding traffic at the bus stop at the south of the property (route 125) and increased traffic when the train is active. An additional concern raised was the potential for cut-through traffic in the proposed inter-parcel access at the western property line to the adjacent gas station property. It does not appear that any changes were made to the site plan following the public participation meeting.

**NEARBY/SURROUNDING LAND ANALYSIS**

Adjacent & Surrounding Properties	Zoning	Existing Land Use
Adjacent: North (Across Lavista Road)	UNINCORPORATED DEKALB COUNTY	Mavis Tires & Brakes
Adjacent: North (Across Lavista Road)	UNINCORPORATED DEKALB COUNTY	Goodyear Tire & Service
Adjacent: East (Across Montreal Road)	NL-1 (Northlake High-Intensity Commercial)	Kroger Shopping Center & Dunkin’ Donuts
Adjacent: South	NL-1 (Northlake High-Intensity Commercial)	Captain D’s Seafood Kitchen (with drive-through)
Adjacent: West	NL-1 (Northlake High-Intensity Commercial)	Chevron Gas Station with a Food Mart & Hibachi Express



Figures 3 and 4. Zoning Map and Aerial Image.

## SLUP-24-0003

### **CRITERIA TO BE APPLIED**

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 0.679-acre site has adequate land area for the proposed bank with a double drive-through configuration. The proposal includes the minimum required yards, the minimum 10 percent open space requirement of Section 46-1036, and more than the minimum required parking spaces.

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

The proposed bank and drive-through ATM is consistent with adjacent properties along Lavista and Montreal Roads. National chains such as Goodyear, Dunkin' Donuts, and Kroger abound in this heavily traveled corridor.

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

**Schools.** There will be no impact on public school facilities.

**Stormwater management.** Stormwater detention will be required.

**Water and sewer.** DeKalb County Department of Watershed Management (DWM) approval is required.

- 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 traffic impact as a result of the proposed bank and drive-through ATM will be minimal. The Trip Generation Report letter states that the Fifth Third drive-through will generate approximately 2.84 customer trips during peak hours. The Trip Generation Report letter notes that peak hours tend to occur during late afternoons and all day on Fridays. Average customer trips per hour in off-peak hours is 2.0.

- 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 Lavista and Montreal Roads would be adversely affected by the character of the vehicles or volume of traffic generated by the proposed bank and drive-

through ATM. Consumer banks such as Fifth Third draw customers who tend to drive passenger vehicles in low volumes. Additionally, the proposal includes the removal of a curb cut (access point) that is close to the intersection of Montreal and Lavista Roads, which may improve traffic safety.

**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 site plan includes the existing curb cut on Lavista Road, and one of the existing curb cuts on Montreal Road, which is adequate for vehicle access. Additional vehicle access could be provided by the proposed inter-parcel connection with the parcel to the southwest at 3905 Lavista Road if the property owners can come to an agreement. The addition of a sidewalk along Montreal will increase options for pedestrian safety. Pedestrian pathways are provided that connect the bank building to the sidewalk, and the parking lot and drive-through lanes have been designed so that pedestrians do not need to enter the drive-through lanes.

**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 generation of excessive noise, smoke, odor, dust, or vibrations are not expected with consumer bank and drive-through ATM use.

**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 hours of operation will range from 8:00 am to 5:00 pm on weekdays, and from 9:00 am to Noon on Saturdays. This is less than most uses in the area and will not create adverse impacts upon adjoining uses.

**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.**

There are no anticipated adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. The development eliminates one curb cut on Montreal Road, the hours of operation and traffic volume should have minimal impact upon 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.**

Banks are permitted in the NL-1 zoning district. If approved by SLUP, the proposed ATM drive-through will comply with the NL-1 zoning district.

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

The proposed development is not entirely consistent with the adopted comprehensive plan. The stated intent of the Town Center Character Area is “to promote the concentration of higher intensity residential and commercial uses...to reduce automobile travel, promote walkability and increased transit usage.” The proposed drive-through ATMS are automobile focused, but



likely will not increase automobile use in the area. The additional sidewalks could promote walkability along Lavista and Montreal Roads, particularly as other properties nearby are redeveloped and will be accessible to riders of MARTA bus routes 30 and 125. The proposal does bring the property into greater conformance with building placement, lot coverage, and landscaping, making for a more attractive corner than the existing conditions. This could induce more redevelopment in the surrounding area.

**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.**

There are no transitional buffers required with this site.

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

There is adequate provision of refuse and service areas. The applicant has included a designated screened dumpster that complies with code Section 46-1339.

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

Staff does not recommend any limits on the length of time of the special land use permit (if granted), so long as the applicant obtains all local licensing requirements including compliance with approved conditions and annual occupational tax certificate renewal.

**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.**

It is the staff's opinion that the building size, mass, and scale will be appropriate in relation to surrounding land uses. Surrounding buildings include a one-story restaurant, a one-story shopping center, a one-story donut shop, a one-story fuel canopy and a two-story convenience store.

**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 property.

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

The proposed bank with a drive-through ATM is in compliance with the supplemental regulations for drive-through facilities [Sec. 46-1166. – Drive-through facility; restaurant].

**Sec. 46-1166. – Drive-through facility; restaurant.**

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

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

There are no residentially zoned properties within 60 feet of the drive-through lanes.

- (2) No drive-through facility shall be located on a property less than 10,000 square feet in area. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in article VI of this chapter.**

The property is greater than 10,000 square feet, and the double drive-through configuration allows for adequate vehicle stacking.

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

The drive-through lanes and ATM structures are situated at the rear of the lot. There is no pickup window for the bank, and the ATM structures are not situated between the principal structure and the street.

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

The drive-through structures appear to be designed with the same materials as the primary structure.

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

There are no residentially zoned properties nearby.

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

The double drive-through configuration appears to comply with stacking requirements.

- (7) Financial institutions with drive-through windows, car washes (automated or staffed facilities), drive-through coffee sales facilities, and any other uses with drive-through facilities with the exception of restaurants with drive-through facilities, shall provide three stacking spaces for each window or drive-through service facility.**

The ATM structures have adequate stacking to meet this requirement.

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

Not applicable.



**(9) The following general standards shall apply to all stacking spaces and drive-through facilities:**

- a. **Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.**

Drive-through lanes are proposed for the southwestern section of the property and do not cross or pass through off-street parking, nor must they be crossed by a pedestrian to reach the primary building on the site.

- b. **Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.**

Lane striping is shown on the site plan for the drive-through lanes and the bypass lane.

- c. **All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.**

The application complies with this regulation.

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

The application complies with this regulation.

**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.**

The proposed use has a single-story building. It will not produce an adverse shadow effect.

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

There are several drive-through facilities, both restaurants and otherwise, located near this site, including the Captain D's Seafood Kitchen on the adjacent parcel to the south. However, there does not appear to be a disproportionate proliferation of financial drive-through facilities in the area.

**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.**

**Town Center Character Area.** While the proposal strays from the intent of the Town Center Character Area to create a more pedestrian-oriented environment and reduce automobile travel, it is not in conflict with the strategies of the Town Center Character Area to improve transit connections and encourage a relatively high-density mix of uses to serve a regional

market area. The site includes a new sidewalk on Montreal Road, which will have a streetscape design that is pedestrian-oriented with strong, walkable connections between properties and uses around the City.

**CONCLUSION**

While the proposed use is not entirely consistent with the Town Center Character Area, staff does not believe this use would cause a disproportionate proliferation of drive-through facilities or be detrimental to the intents of the NL-1 zoning district and the Town Center Character Area. Redevelopment of this property will increase greenspace and sidewalks, which could eventually spur more redevelopment and walkability.

**Concurrent Variance (CV-24-0003) – Minimum Storefront Fenestration Requirements**

Code Section 46-1040(g) requires ground floor storefront fenestration along a public street for at least 65 percent of the exterior façade area. This requirement is intended to create a more active and open storefront, particularly when aligned with pedestrian-oriented improvements. Because this parcel of land is a corner lot, there are ground floor storefront fenestration requirements on two building elevations.

**A concurrent variance is requested to decrease the minimum fenestration percentage of the Lavista Road elevation from 65% to 46.7% and the Montreal Road building elevation from 65% to 32.7%**

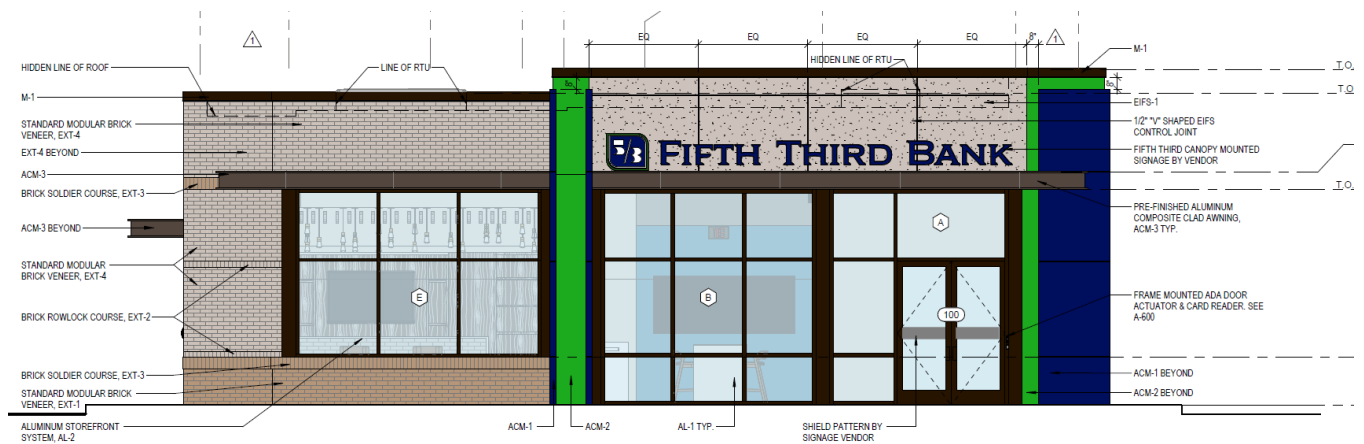


Figure 5. Lavista Road Elevation with 46.7% Fenestration.





Figure 6. Montreal Road Elevation with 32.7% Fenestration.

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.**

Located on a corner lot fronting an angular intersection of a major collector (Montreal Road) and a minor arterial (Lavista Road/SR 236), the presence of two street frontages triggers storefront transparency requirements of 65% on two sides of the primary bank building. The applicant was able to work with staff to bring both elevations close to compliance but found that the layout of the interior and security requirements for the bank presented challenges to achieving 65% transparency. Corner lots have the additional challenge of two front setbacks, which limits the ability to adapt the building design in a meaningful way, especially on smaller parcels. The Lavista Road elevation includes 46.7% fenestration, but it reads as a pedestrian friendly façade with ample glazing and architectural detail. The secondary elevation on Montreal Road contains 32.7% glazing. Although this is roughly half of the requisite glazing, the elevation includes windows, canopies, a door, and several belt courses to create enough architectural interest to create an engaging storefront and meet the spirit of the regulation.

- 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. Granting a concurrent variance to allow 46.7% fenestration on Lavista Road and 32.7% fenestration on the Montreal Road elevation is the minimum necessary for this project. The applicant worked with

staff to ensure the building met other architectural requirements for all building elevations, including building materials and pedestrian entrance requirements.

**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 NL-1 zoning district. It is likely that passersby would view the Lavista Road elevation as amply glazed and pedestrian friendly. Although the Montreal Road elevation has only 32.7% glazing, it still includes several large windows and a pedestrian entrance.

**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 substantial fenestration on the Lavista Road and Montreal Road elevations would not allow for the elements necessary to the function of the primary building.

**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 Northlake zoning districts to promote redevelopment and improved aesthetics, which this project achieves. 3925 Lavista Road is in the new Town Center Character Area of the Comprehensive Plan, which promotes the concentration of higher intensity residential and commercial uses in order to reduce automobile travel, promote walkability, and increased transit usage. While a bank with drive-through facilities may not do much to immediately reduce automobile travel, the redevelopment of the parcel with sidewalks and increased greenspace could trigger more redevelopment and walkability. By including a variety of architectural features, such as canopies, doors, and belt courses, the elevations meet the spirit of creating developments that attract pedestrians.

**Conclusion:** Staff recommends **APPROVAL** of **CV-24-0003**.

### **Concurrent Variance (CV-24-0004) – Minimum Front Setback**

The City of Tucker Zoning Ordinance includes dimensional requirements for the Northlake special zoning districts, including a 0' minimum front setback / 20' maximum front setback for properties in the NL-1 zoning district. Code Section 46-1036 (Dimensional requirements) includes a provision stating, "buildings may exceed the maximum setback to allow for stoops, front porches, balconies, canopies, or steps, a public space or park, and or outdoor dining." The applicant's submitted site plan does not meet this provision along Lavista Road.



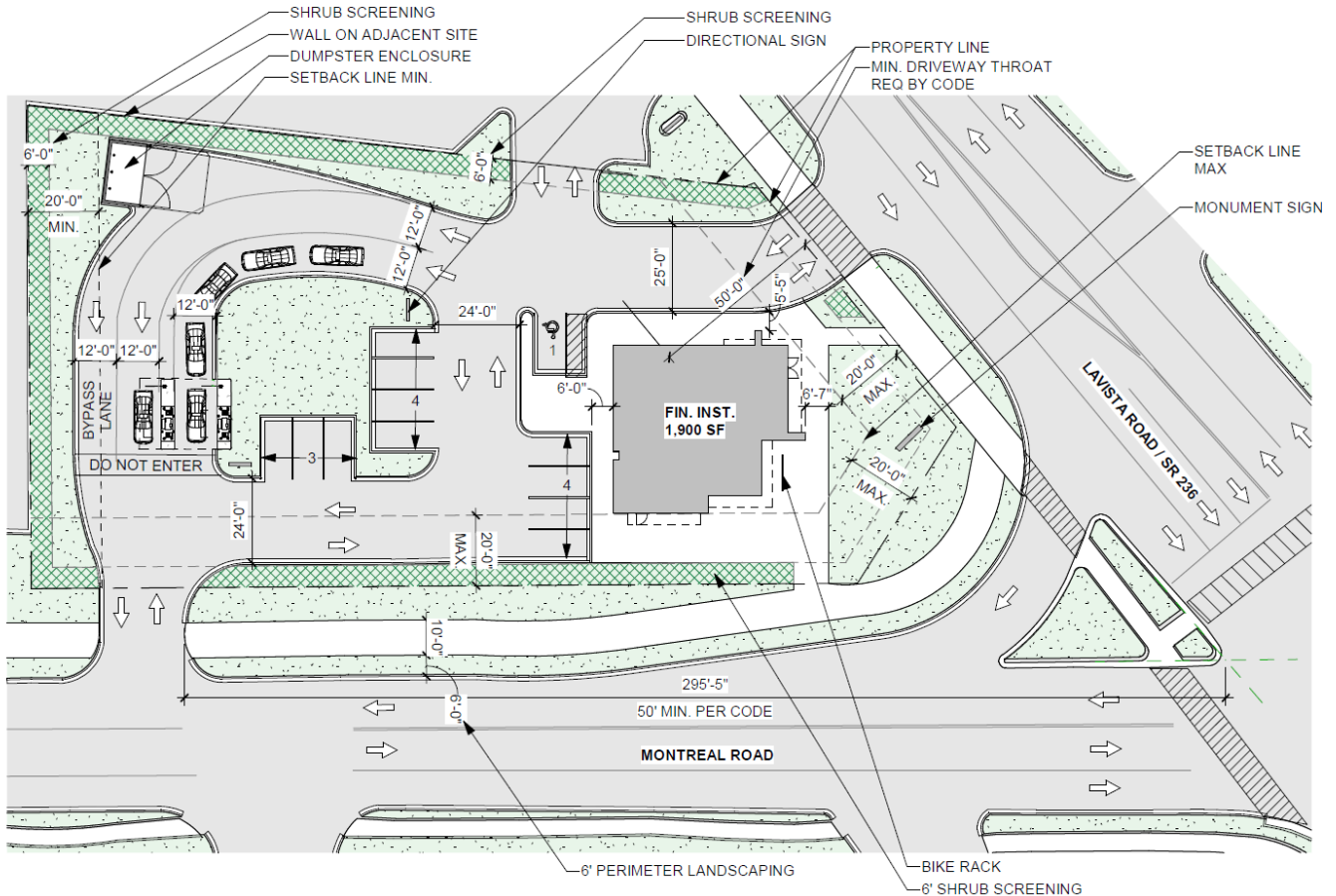


Figure 7. Proposed site plan showing 0' and 20' front setbacks along Lavista and Montreal Roads.

**A concurrent variance is requested to increase the maximum setback along Lavista Road by two feet at the smallest point, and 14 feet and four inches at the largest point.**

The acute angle of the intersection of Lavista and Montreal Roads creates an irregularly shaped corner lot that makes it difficult to place a building within the minimum/maximum setback lines. Building placement is further inhibited by a transportation requirement for a fifty-foot driveway throat along Lavista Road. Although the designer was able to locate the Montreal Road side of the building along the twenty-foot maximum setback line, the angular nature of the site makes it quite difficult to place the Lavista Road side of the building within the setback lines. The variance request is to exceed the maximum twenty-foot setback on Lavista Road by about two feet at the northwestern corner of the building, to as much as fourteen feet and four inches closer to the intersection.

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.**

Due to the irregular shape of the corner lot, it is difficult to place a building squarely into the minimum/maximum building setback lines along both roads. Pushing the building toward one set of front setback lines moves it farther away from the other set of front setback lines.

- 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. The designer has tried to situate the building as close to both roads as regulated by the zoning ordinance.

- 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.**

The granting of the variance will not be materially detrimental to the public welfare. Although the building will not be located within the minimum/maximum setback lines along Lavista Road, the area will include pedestrian paths and grassy areas which are not unattractive. Additionally, due to the unique angular nature of the lot, a larger setback may serve to improve intersection visibility at Lavista and Montreal Roads. The use of landscaping between the building and the street also helps to improve the aesthetics of the intersection.

- 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 it would require an angular building design that could prohibit the interior layout of necessary building functions.

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

The intent of the Town Center Character Area calls for improving walkability and enhancing the pedestrian experience. Typically, this is achieved by bringing buildings closer to the road. Corner lots, however, are unique and often benefit from the increased visibility and plaza like feeling of an increased setback. Because of the corner lot, staff believes the variance request is consistent with the spirit and purposes of this chapter and the Comprehensive Plan.

**Conclusion:** Staff recommends **APPROVAL of CV-24-0004.**



## Concurrent Variance (CV-24-0005) – Maximum Parking Requirements

Table 6.2, Parking Ratios, in Code Section 46-1452 stipulates a minimum of one parking space per each 500 feet of floor area for office (bank) use, and a maximum of one parking space per each 250 square feet of floor area.

At 1,900 square feet, the proposed bank building requires a minimum of four (4) parking spaces and is permitted a maximum of eight (8) parking spaces. The site plan shows twelve (12) spaces, including one (1) ADA space close to the building.

**A concurrent variance is requested to increase the maximum parking ratio to one parking space per each 167 square feet of floor area.**

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.**

Although this lot has an irregular shape, the staff does not believe that the lot shape or site conditions impact the parking requirements of the proposed bank with double drive-through.

- 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 may go beyond the minimum necessary to afford relief as it would appear a large portion of the bank business will be conducted through the double drive-through. However, a larger branch building could fit on the property which would allow for additional parking spaces.

- 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.**

The granting of the variance may not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district as the proposal has adequate land to provide additional parking. Staff will note that none of the proposed parking spaces are located between the building and the street, so they are screened from the view of the public.

- 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 it appears that additional parking spaces are needed for the bank to function. While they are exceeding the maximum allowed parking spaces, the parking lot is still relatively small with only 12 spaces. Additionally, the property currently has approximately 48 spaces for Kacey's. If approved, there would be a large decrease in the total number of spaces.

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

The proposed variance is not entirely in line with the spirit and purpose of this chapter and the Comprehensive Plan. The Town Center Character Area calls for improving walkability and enhancing the pedestrian experience, however, there is still a net decrease in the total parking spaces.

**Conclusion:** Staff recommends **DENIAL of CV-24-0005.**

## Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL WITH CONDITIONS** of **SLUP-24-0003, CV-24-0003, and CV-24-0004**. Staff recommends **DENIAL of CV-24-0005**.

1. The property shall be developed in general conformance with the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department".
2. The minimum fenestration for the bank building shall be reduced to 46.7% on Lavista Road and to 32.7% on Montreal Road, per the elevations stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department" (CV-24-0003).
3. The maximum setback along Lavista Road shall be increased between two feet and fourteen feet, four inches, per the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department" (CV-24-0004).
4. A landscape plan shall be submitted with the Land Disturbance Permit (LDP), subject to review and approval of the Community Development Director. The plan must meet the tree density requirement of thirty (30) tree density units per acre.
5. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip on the western and southern sides of the property, and along Montreal and Lavista Roads, per the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department", to screen the appearance of the travel lanes and parking from adjacent properties and the streets.
6. The drive-through canopies, windows, and lanes shall comply with the requirements of Section 46-1045 and Section 46-1166.



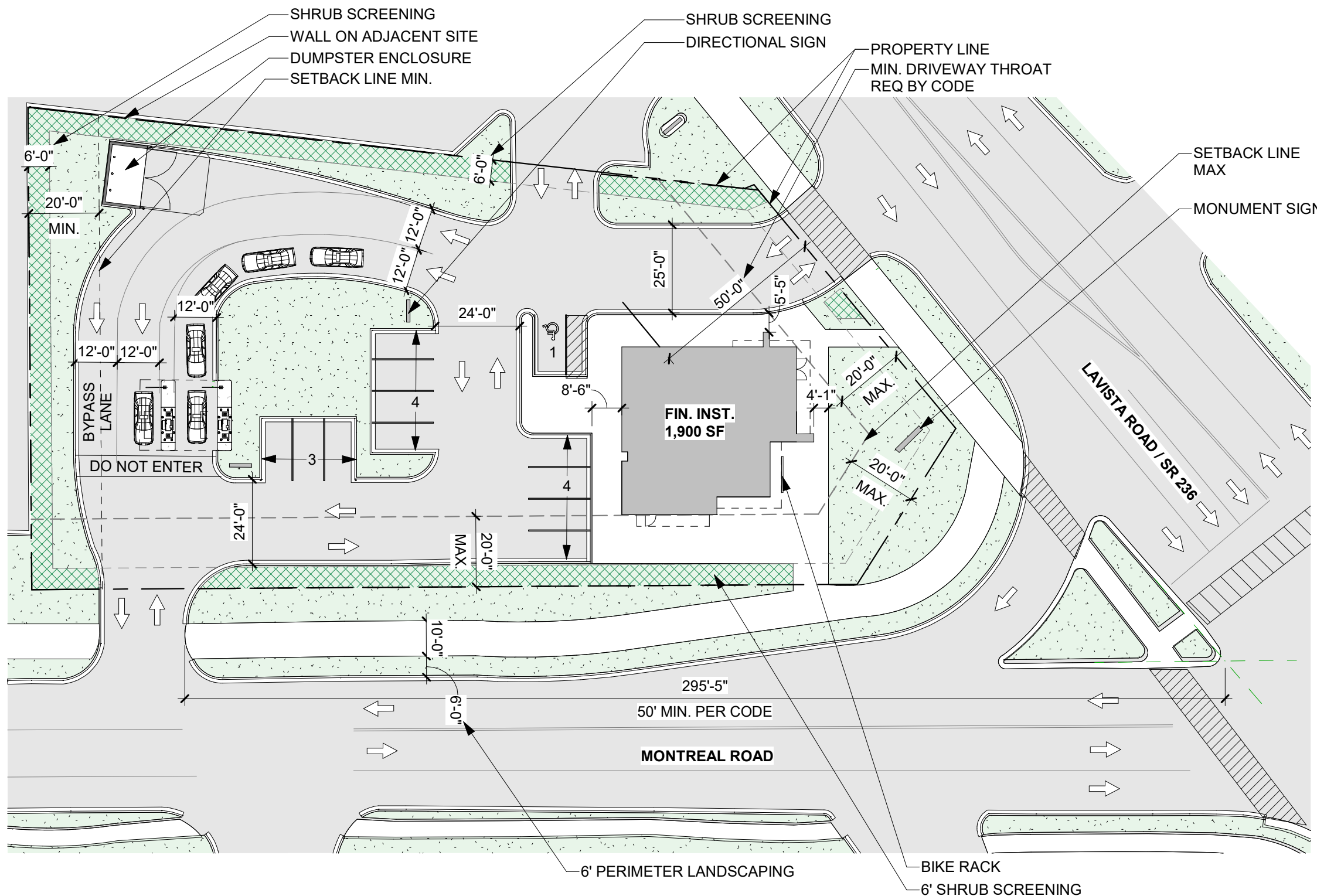
7. The existing ground sign on the property shall be removed, including the posts and base.
8. A stormwater detention plan must be submitted with the Land Disturbance permit application.
9. Owner/Developer shall construct a six-foot (6') wide sidewalk with a two-foot (2') grass strip along the entire frontage of Montreal Road.
10. The development shall be limited to one (1) right in/right out only driveway on Lavista Road.
11. If interparcel access is to be provided with the adjacent property, a recorded access agreement must be provided.
12. Owner/developer must coordinate any improvements on Lavista Road with the Georgia Department of Transportation's upcoming operational improvement project (Ops ID #20-7060).
13. Owner/developer shall dedicate additional right-of-way along the entire frontages of Lavista Road and Montreal Road such that there is a minimum of forty feet (40') from the centerline of the road, or two feet (2') from the back of sidewalk, whichever is greater.

## Planning Commission Recommendation

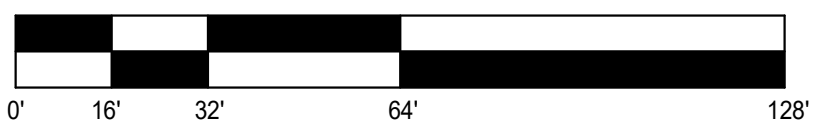
Based upon the findings and conclusions herein, at its June 20, 2024 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of **SLUP-24-0003, CV-24-0003, and CV-24-0005**, subject to the following amended staff conditions: (additions = **bold**; deletions = ~~strikethrough~~). Planning Commission recommends **DENIAL of CV-24-0004**.

1. The property shall be developed in general conformance with the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department".
2. The minimum fenestration for the bank building shall be reduced to 46.7% on Lavista Road and to 32.7% on Montreal Road, per the elevations stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department" (CV-24-0003).
- ~~3. The maximum setback along Lavista Road shall be increased between two feet and fourteen feet, four inches, per the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department" (CV-24-0004).~~
4. A landscape plan shall be submitted with the Land Disturbance Permit (LDP), subject to review and approval of the Community Development Director. The plan must meet the tree density requirement of thirty (30) tree density units per acre.
5. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip on the western and southern sides of the property, and along Montreal and Lavista Roads, per the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department", to screen the appearance of the travel lanes and parking from adjacent properties and the streets.

6. The drive-through canopies, windows, and lanes shall comply with the requirements of Section 46-1045 and Section 46-1166.
7. The existing ground sign on the property shall be removed, including the posts and base.
8. A stormwater detention plan must be submitted with the Land Disturbance permit application.
9. Owner/Developer shall construct a six-foot (6') wide sidewalk with a two-foot (2') grass strip along the entire frontage of Montreal Road.
10. The development shall be limited to one (1) right in/right out only driveway on Lavista Road.
11. If interparcel access is to be provided with the adjacent property, a recorded access agreement must be provided.
12. Owner/developer must coordinate any improvements on Lavista Road with the Georgia Department of Transportation's upcoming operational improvement project (Ops ID #20-7060).
13. Owner/developer shall dedicate additional right-of-way along the entire frontages of Lavista Road and Montreal Road such that there is a minimum of forty feet (40') from the centerline of the road, or two feet (2') from the back of sidewalk, whichever is greater.
14. **Twelve parking spaces shall be permitted, per the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department" (CV-24-0005). Pervious material, as defined in the Georgia Storm Water Manual, shall be considered for any parking spaces above the maximum allowed eight spaces.**



SITE DATA	
SITE ADDRESS:	3925 LAVISTA RD. TUCKER GA, 30084
JURISDICTION:	TUCKER, GA
BUILDING AREA:	1,900 SF BUILDING
EXISTING ZONING:	NL-1
SITE AREA:	0.677 ACRES / 29,525 SQFT (100%)
AREA WITH IMPERVIOUS COVER:	0.5 ACRES / 20,622 SQFT (70%)
VEGITATED AREA:	0.2 ACRES / 8,903 SQFT (30%)
EXISTING USE:	RESTAURANT
PROPOSED USE:	BANK WITH DRIVE THRU
PARKING DATA	
STANDARD PARKING REQUIRED:	1 SPACE PER 250 SF GFA 1,900 SF x (1/250 SF) = (8) SPACES MIN. 4 SPACES, MAX. 8 SPACES
HANDICAP PARKING REQUIRED:	(1) SPACE PER 25 REGULAR PARKING SPACE = (1) ADA PARKING SPACE
TOTAL PARKING PROVIDED:	STANDARD PARKING = 11 HANDICAP PARKING = 1 TOTAL PARKING = 12
PARKING SPACE SIZE:	9' x 18' MINIMUM
LOADING ZONE:	NONE
BICYCLE PARKING REQUIRED:	1 SPACE PER 20 REQUIRED VEHICLE SPACES
BICYCLE PARKING PROVIDED:	1
LANDSCAPING REQUIREMENTS	
LANDSCAPING =	6' MIN. SCREENING ALONG PROPERTY LINE REQUIRED BY CODE
BUILDING REQUIREMENTS	
BUILDING SETBACK - FRONT	= NO MIN./20' MAX.
BUILDING SETBACK - SIDE CORNER	= NO MIN./20' MAX.
BUILDING SETBACK - SIDE INTERIOR	= NI MIN.
BUILDING SETBACK - REAR	= 20' MIN.
LOT COVERAGE	= 80% MAX.
VEHICLE STACKING	
ALL DRIVEWAY ENTRANCES MUST BE AT LEAST 50' FROM INTERSECTION	



**SITE PLAN**  
1/32" = 1'-0"

RECEIVED  
CITY OF TUCKER

07/02/2024

PLANNING & ZONING  
DEPARTMENT





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

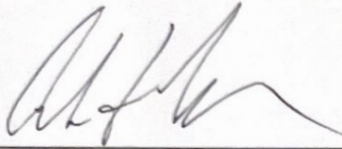
# Land Use Petition Application

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 type="checkbox"/> Owner's Agent <input checked="" type="checkbox"/> Contract Purchaser		
Name: Southeastern Retail Development, LLC		
Address: 2050 W. County Hwy 30A		
City: Santa Rosa Beach	State: Florida	Zip: 32459
Contact Name: Alec Lesley		
Phone: 404-667-0569	Email: alesley@serdllc.com	
OWNER INFORMATION		
Name: Reeves and Flowers Partnership, L.L.C.		
Address: 6325 Beacon Station Drive		
City: Cumming	State: Georgia	Zip: 30041
Contact Name: Joseph Williams		
Phone: (678)624-1498	Email: mrjosephswilliams@gmail.com	
PROPERTY INFORMATION		
Property Address: 3925 Lavista Rd, Tucker, Georgia 30084		
Present Zoning District(s): NL-1	Requested Zoning District(s):	
Present Land Use Category: 321 - Restaurant	Requested Land Use Category:	
Land District: 18	Land Lot(s): 190	Acreage: 0.679
Proposed Development: Bank with a drive-thru/drive-up ATM		
Concurrent Variance(s):	1. Increase the # of parking spaces from a maximum of 8 to 12. 2. Decrease the fenestration requirements – Lavista Road side from 65% to 41.7% and Montreal Road side from 65% to 23.5% 3. Exceeding the 20' building setback line at a minimum of 2' (western corner of the building) to 14 4' (eastern corner of the building)	
RESIDENTIAL DEVELOPMENT		
No. of Lots/Dwelling Units:	Dwelling Unit Size (Sq. Ft.):	Density:
NON-RESIDENTIAL DEVELOPMENT		
No. of Buildings/Lots: 2	Total Building Sq. Ft.: 2,070	Density:

**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.

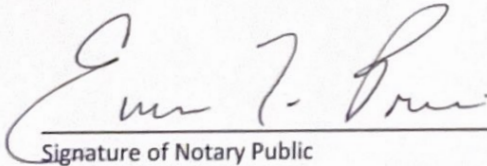


Signature of Applicant

4/22/24  
Date

Alec Lesley, Representative

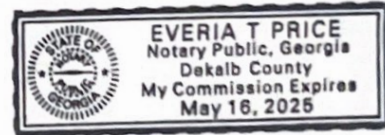
Type or Print Name and Title



Signature of Notary Public

4/22/24  
Date

Notary Seal



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City of Tucker

LAND USE PERMIT APPLICATION - REVISED 01082024

4/22/2024  
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SLUP-24-0003 CV-24-0003, CV-24-0004, CV-24-0005

**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, Reeves and Flowers Partnership, L.L.C, authorize, Southeastern Retail Development, LLC,  
(Property Owner) (Applicant)

to file for SLUP, at 3925 Lavista Rd, Tucker, Georgia 30084  
(RZ, CA, SLUP, M, CV) (Address)

on this date March 29, 2024  
(Month) (Day)

- 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.

Reeves and Flowers Partnership, L.L.C

*[Handwritten Signature]*  
Signature of Property Owner

3/29/24  
Date

Joseph S. Williams  
Type or Print Name and Title

President

*[Handwritten Signature]*  
Signature of Notary Public

03/29/2024  
Date

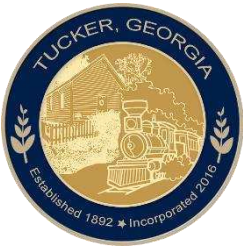
Notary Seal



LAND USE PETITION APPLICATION - REVISED 01082024

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Planning & Zoning Dept.





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 type="checkbox"/>
One (1) digital copy of all submitted materials	<ul style="list-style-type: none"> <li>One (1) flash drive or CD in .JPEG, .PDF format</li> </ul>	<input type="checkbox"/>
Pre-Application Meeting Form	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Public Participation Report	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Application, Signature Pages, Disclosure Form	<ul style="list-style-type: none"> <li>One (1) Copy each</li> </ul>	<input type="checkbox"/>
Written Legal Description	<ul style="list-style-type: none"> <li>One (1) 8 ½ "x 11" Legal Description</li> </ul>	<input type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 9 for Requirements)	<ul style="list-style-type: none"> <li>One (1) Full-Size (24" x 36") Copy of each</li> <li>One (1) 8 ½ "x 11" or 11x17 Site Plan of each</li> </ul>	<input type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with Article 5)	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Letter of Intent	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Analysis of Standards/Criteria (See page 5)	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Environmental Site Analysis Form	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Trip Generation Letter (ITE Trip Generation Manual)	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study (See Sec. 46-1309)	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Development of Regional Impact Review Form	<ul style="list-style-type: none"> <li>Three (3) Copies</li> </ul>	<input type="checkbox"/>
Environmental Impact Report	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Noise Study Report	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Meeting with GDOT if impact to I-285 Eastside Express Lanes	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<input type="checkbox"/>
Other items required per the Zoning Ordinance	<ul style="list-style-type: none"> <li>One (1) Copy</li> </ul>	<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 type="checkbox"/>
Comprehensive Plan Amendment	\$1000	<input type="checkbox"/>
Modification	\$250	<input type="checkbox"/>
Variance (includes Concurrent Variance)	\$300	<input type="checkbox"/>
Public Notice Sign Fee	\$85 (per required sign)	<input type="checkbox"/>

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 Page 100 of 229  
 2024-0003,  
 CV-24-0004, CV-24-0005

# **ANALYSIS OF STANDARDS/CRITERIA**

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CV-24-0005

## **ZONING MAP AMENDMENT CRITERIA**

Section 46-1560 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

## **COMPREHENSIVE PLAN MAP AMENDMENT CRITERIA**

Section Sec. 46-1559 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

## **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.

## **CONCURRENT VARIANCE CRITERIA**

Section 46-1633 of the City of Tucker Zoning Ordinance lists specific criteria the board shall use in determining whether or not to grant a variance. The applicant shall provide a written analysis of how the request complies with these criteria if they are requesting a concurrent variance. RSLUP-24-0003received

## 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.

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 NONE
  - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
  - Georgia Geologic Survey (404-656-3214)
  - Field observation and subsequent wetlands delineation/survey if applicable
  
- b. Floodplain NONE
  - Federal Emergency Management Agency (<http://www.fema.org>)
  - Field observation and verification
  
- c. Streams/stream buffers NONE
  - Field observation and verification
  
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation NONE
  - United States Geologic Survey Topographic Quadrangle Map
  - Field observation and verification
  
- e. Vegetation
  - United States Department of Agriculture, Nature Resource Conservation Service
  - Field observation None. The proposed development would increase more greenspace than what currently exists.
  
- f. Wildlife Species (including fish) NONE
  - United States Fish and Wildlife Service
  - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
  - Field observation
  
- g. Archeological/Historical Sites NONE
  - Historic Resources Survey
  - Georgia Department of Natural Resources, Historic Preservation Division
  - Field observation and verification

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4/22/2024  
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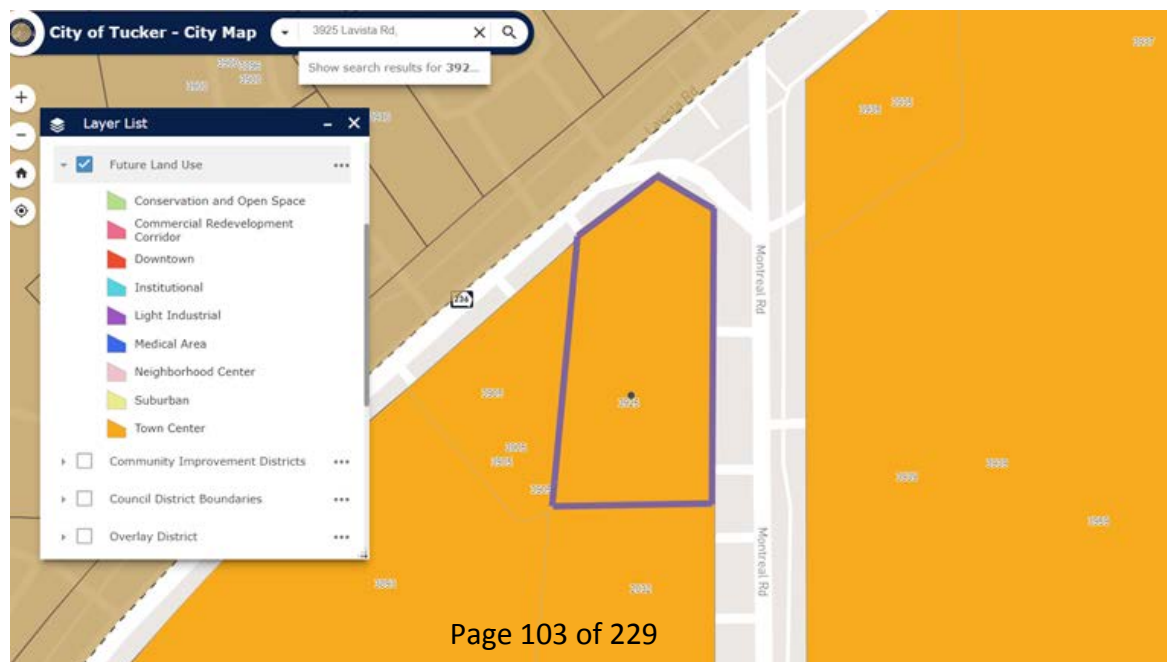


## ENVIRONMENTAL SITE ANALYSIS FORM (CONTINUED)

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 feature(s) that may be impacted.
- Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.  
Decrease in Bldg. Size & Increase in overall green space from what is currently there.
  - Protection of water quality  
Water Quality treatment on site
  - Minimization of negative impacts on existing infrastructure  
Smaller building, less parking, and a use that will create less traffic.
  - Minimization on archeological/historically significant areas  
None in the area.
  - 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  
It will create less solid waste, and use less utilities than what is currently exists.
  - Creation and preservation of green space and open space  
It will have more green space and buffers than what currently exists.
  - Protection of citizens from the negative impacts of noise and lighting  
The use and buffers will create less noise and lighting issues than current use.
  - Protection of parks and recreational green space  
Not Applicable
  - Minimization of impacts to wildlife habitats

### CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The project consists of a 1,900 sf bank branch with a remote drive-up ATM's (170sf). The property is in the Town Center Character Area and is consistent with the properties in the immediate area (Gas Station, Tire Stores & Restaurants). The use (Bank Branch) is permitted in the comprehensive plan and land use.



## TOWN CENTER

**The Town Center Character Area is a new category for the City of Tucker, replacing the previous designation of Regional Center. This change aligns with the changes DeKalb County made to their portion of the Northlake Area with their 2050 Unified Plan.**

The intent of the Town Center 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. The areas act as a focal point for several neighborhoods with moderate densities and a variety of activities such as retail, commercial, professional office, housing, and public open space that are all easily accessible by pedestrians. Town Centers are typically smaller in size and scale than Regional Centers and have a character similar to Neighborhood Centers, but at a larger scale.

### Primary Land Uses

- Townhomes
- Higher density multi-family including apartments and condominiums
- Retail and service commercial
- Office
- Entertainment and cultural facilities
- Public and private recreational uses

### Development Strategy

As Northlake is mostly developed, these strategies focus on redeveloping and retrofitting the area to include more residential uses, to “right-size” the amount of commercial space to meet expected demand and to enhance walkability. Strategies include:

- Encouraging relatively high-density mix of retail, office, services, and employment to serve a regional market area.
- Developing a diverse mix of higher-density housing types, including multi-family townhomes, apartments, lofts, and condominiums, including affordable and workforce housing.
- Designing the area’s streetscapes to be pedestrian-oriented, with strong, walkable connections, including improved MARTA transit connections with better route operations, stops, and shelters.
- Making connections to nearby networks of greenspace or trails, available to pedestrians and bicyclists for both recreation and transportation purposes.

### Design Considerations

- Allow a mix of townhomes and higher density residential uses, with higher densities allowed for projects that provide bonus eligible elements and features.
- Encourage better connectivity within the Northlake area, for automobiles, bicyclists and pedestrians.
- Promote the integration of pedestrian and bicycle enhancements into all investments in this area, designing streetscapes to be pedestrian-oriented, with strong, walkable connections.

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4/22/2024

Planning & Zoning Dept.



## TOWN CENTER

- Encourage “interior” walkway paths through existing parking lots and commercial frontages to create a safer, inviting environment away from congested, primary thoroughfares.
- Require connections to nearby networks of greenspace or trails, available to pedestrians and bicyclists for both recreation and transportation purposes.



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4/22/2024

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CV-24-0003, CV-24-0004, CV-24-0005



**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)

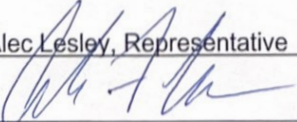
2.            List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

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) Alec Lesley, Representative  
Signature:  Date: 03/27/2024

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4/22/2024  
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LAND USE PETITION APPLICATION - REVISED 01082024

**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)

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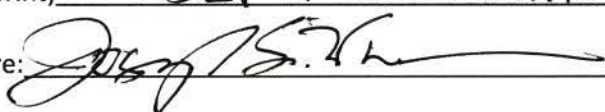
1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

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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 S. WILLIAMS

Signature:                     Date: 4/25/24

## SITE PLAN CHECKLIST

All items must be included on the Site Plan; separate Site Plans may be necessary to address all items.

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
3. Acreage of subject property
4. Location of land lot lines and identification of land lots
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
6. Proposed streets on the subject site
7. Posted speed limits on all adjoining roads
8. Current zoning of the subject site and adjoining property
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
11. Location of proposed buildings (except single family residential lots) with total square footage
12. Layout and minimum lot size of proposed single family residential lots
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
15. Required and/or proposed setbacks
16. 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
18. Required and proposed parking spaces; Loading and unloading facilities
19. Lakes, streams, and waters on the state and associated buffers
20. Proposed stormwater management facilities
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
22. Availability of water system and sanitary sewer system
23. Tree lines, woodlands, and open fields on subject site
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet
25. Wetlands shown on the County's GIS maps or survey
26. Mail kiosk location



## LAND USE PETITION CALENDAR

<b>*Application Deadline</b>	<b>Planning Commission</b>	<b>M&amp;CC 1<sup>st</sup> Read</b>	<b>M&amp;CC 2<sup>nd</sup> Read</b>
1/22/2024	3/21/2024	4/8/2024	5/13/2024
2/26/2024	4/18/2024	5/13/2024	6/10/2024
3/25/2024	5/16/2024	6/10/2024	7/8/2024
4/22/2024	6/20/2024	7/8/2024	8/12/2024
5/28/2024*	7/18/2024	8/12/2024	9/9/2024
6/24/2024	8/15/2024	9/9/2024	10/15/2024*
7/22/2024	9/19/2024	10/15/2024*	11/12/2024*
8/26/2024	10/17/2024	11/12/2024*	12/9/2024
9/23/2024	11/21/2024	12/9/2024	TBD
10/28/2024	12/18/2024	TBD	TBD
11/25/2024	TBD	TBD	TBD

\* Date shifted to accommodate holiday.

***Incomplete applications will not be accepted.***

## PUBLIC PARTICIPATION PLAN AND REPORT

See separate document.

## PUBLIC NOTICE REQUIREMENTS

Sec. 46-1526 details the public notice requirements for land use petitions, which include public notice sign(s), advertisement in The Champion newspaper, and written notice to everyone within 500 feet.

- The applicant is responsible for posting the public notice sign(s). City of Tucker Staff will order the signs(s) and provide the required timeframe for posting.
- The City of Tucker is responsible for placing the legal ad in The Champion newspaper
- The City of Tucker is responsible for mailing the written notification to surrounding property owners.

## PROPERTY COMPLIANCE

All Occupational Tax payments must be paid in-full and any and all outstanding code violations on the property must be rectified prior to the public hearing.



# City of Tucker

## Public Participation Plan Report Project Name:

**Contact Name:** Alec Lesley

**Meeting Date:** April 10, 2024

**Meeting Location:** 4083 Lavista Rd, Tucker, GA 30084 / Courtyard Atlanta Northlake conference room

**Meeting Start Time:** 7:00 PM ET

**Meeting End Time:** 8:00 PM ET

**Number of people in attendance:** 5

**Date of Filing of Land Use Petition Application:** April 18, 2024

### General Introduction:

Mailed notice letters to adjacent property owners on March 26, 2024 via regular US Mail (see attached). City of Tucker staff contacted city council and the planning commission, as well as posted on the city website and city social media.

**Summary of concerns and issues raised at the meeting:** (please list and respond to each one individually; include as many items that were discussed).

SEE ADDENDUM 1

### The following must be submitted at time of application submittal:

- Copy of the letter that was mailed to neighbors
- Copy of address list for mailing

- o Meeting sign-in sheet
- o Meeting minutes
- o Copy of the plan that was presented at the neighborhood meeting

I, the undersigned, as the applicant or an authorized representative of the applicant do solemnly swear and attest that the information provided is true and accurate. I have included a complete record of the neighborhood meeting, as well as an honest response regarding the intentions for development.

*[Handwritten Signature]*

4/22/24  
Date

Signature of Applicant or Authorized Representative

Alec T. Lesley

4/22/24  
Date

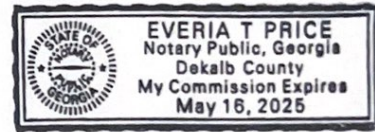
Type or Print Name of Applicant or Authorized Representative

*[Handwritten Signature]*

4/22/24

Signature of Notary

Date



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Addendum 1

1. They had concerns about traffic on Montreal especially when the bus is at the bus stop to the south of the property. Also, when the train comes through they said traffic is bad.

A. My response: a bank branch will have less traffic than the existing restaurant. I also told them I'd ask the City about re-locating the bus stop about 20-30 yards further south away from the intersection.

2. They also had concerns about pedestrian congestion in the area because of the bus stops. They said there were a lot of people walking through the Kacey's property from the bus stops on Lavista and Montreal.

A. My response: I told them that this development would benefit the pedestrians with 10' sidewalks on both Lavista and Montreal (no sidewalks currently exist on the bank side of the road along Montreal).

3. They did not like cross-access with the gas station and the closednMcDonalds. They said the bank branch would be more of a cut through when traffic starts backing up on Lavista.

A. My response: I told them that this was a request made by the City. The bank is ok with the cross-access or without the cross-access.

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4/22/2024  
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March 26, 2024

Dear Neighbors of 3925 Lavista Road, Tucker GA

Southeastern Retail Development DBA NWF Acquisitions, LLC is interested in developing a bank at 3925 Lavista Road, Tucker GA. The request requires a Special Land Use Permit (SLUP) for a drive-thru for a drive up ATM and a concurrent variance to maximum parking regulations.

The first step in the process is to hold a Public Participation (neighborhood) meeting with the community to discuss our proposal with you and receive feedback. This meeting is required before we can submit our application for a SLUP and concurrent variance to the city. You are receiving this letter as you own property within 500' of our project. We hope you will be able to meet with us at the following time:

Meeting Date/Time: April 10, 2024 at 7:00 PM ET

Meeting Location: 4083 Lavista Rd, Tucker, GA 30084 / Courtyard Atlanta Northlake conference room

We've included a site plan of our current proposal in which we look forward to discussing with you and getting feedback on April 10, 2024 at 7:00 PM ET. If you are unable to attend or wish to reach out beforehand, please reach out to Alec Lesley at (404) 667-0569 or [alesley@serdllc.com](mailto:alesley@serdllc.com).

A flyer outlining the land use petition process in the City of Tucker is also included. Questions relating to city matters can be addressed to [info@tuckerga.gov](mailto:info@tuckerga.gov).

Sincerely,

A handwritten signature in blue ink that reads "Travis Meyer".

Travis Meyer  
Managing Partner  
850-660-1917

Encl. (as stated above)

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.

ATLANTA, GEORGIA

SANTA ROSA BEACH, FLORIDA

BIRMINGHAM, ALABAMA

500' Address List\_Public Meeting

CORDOBA PROPERTY GROUP III LLC		3900 LAVISTA RD	TUCKER	GA	30084
REEVES AND FLOWERS PARTNERSHIP	FLOWERS STEVE	6325 Beacon Station DR	CUMMING	GA	30041
PONTUS VAULT PORTFOLIO LLC		875 PROSPECT ST STE 303	LA JOLLA	CA	90237
DOSETAREH ISAAC	DOSETHAREH RAYON	1268 ARBORVISTA DR NE	ATLANTA	GA	30329
JENKINS AYDA		3193 EVELYN ST	TUCKER	GA	30084
GPH TUCKER BRIARWOOD LLC		PO BOX 160488	ALTAMONTE SPRINGS	FL	32716
EZEKIEL J WIMBERLY JR REVOCABL	WIMBERLY EZEKIEL JENKINS JR AS	1628 N VITORIA PARK RD	FT LAUDERDALE	FL	33305
ING ROY TZE	ING DONNA	1249 APPLE VALLEY RD	ATLANTA	GA	30319
DUCONGE DEBBIE		3190 EVELYN ST	TUCKER	GA	30084
MIDTOWN NATIONAL GROUP LP		415 S CEDROS AVE STE 240	SOLANA BEACH	CA	92075
K AND K GROUP LLC		175 HIGH BLUFF CT # 250	DULUTH	GA	30097
TURNER JERRY M	TURNER DOLORES J	5007 CASTLEWOOD DR SW	LILBURN	GA	30047
JDESAIREALTY LLC		919 PINE COVER DR	LILBURN	GA	30047
KATTISAN ENTERPRISES LLC		2015 MONTREAL RD # B	TUCKER	GA	30084
ZHOU GUOHUI	HUANG TAOYING	3194 EVELYN ST	TUCKER	GA	30084
ZHI JUN	WEN HUA	3198 EVELYN ST	TUCKER	GA	30084
REEVES AND FLOWERS PARTNERSHIP	CROSBY NICKEY AARON JR	6325 Beacon Station DR	CUMMING	GA	30041
AYOUB JOHN		675 SEMINOLE AVE NE STE 301	ATLANTA	GA	30307
STORE MASTER FUNDING I LLC		2424 RIDGE RD	ROCKWALL	TX	75087
THAPA AND BROTHERS REALTY LLC		2797 PAYTON OAKS DR	ATLANTA	GA	30345
REGENCY CENTERS LP		1 INDEPENDENT DR STE 114	JACKSONVILLE	FL	32202
TURNER DOLORES JEAN ROBINSON		5007 CASTLEWOOD DR SW	LILBURN	GA	30047
CORDOBA PROPERTY GROUP III LLC		2100 RIVEREDGE PKWY SUITE 850	ATLANTA	GA	30328
TRITON PROPERTIES INC		3905 LAVISTA RD STE C	TUCKER	GA	30084
FRANCHISE REALTY INTERSTATE	CORPORATION *REAL ESTATE TAX	PO BOX 182571	COLUMBUS	OH	43218
VERRAS ENTERPRISES LLC		2935 TALL PINES WAY	ATLANTA	GA	30345
2009 MONTREAL ROAD PROPERTIES	WILLIAMS FAMILY LIVING TRUST	2009 MONTREAL RD	TUCKER	GA	30084
REGENCY CENTERS LP		1 INDEPENDENT DR STE 114	JACKSONVILLE	FL	32202
MDC COAST 25 LLC		11995 EL CAMINO REAL	SAN DIEGO	CA	92130
ZAR GROUP LLC		3916 LAVISTA RD	TUCKER	GA	30084
WIECZYNSKI ROBERT P		3196 ALBERTA LN	TUCKER	GA	30084
ABC DECATUR LLC		6151 DOVE FIELD CT	NORCROSS	GA	30092
ARCP RL PORTFOLIO I LLC		450 S ORANGE AVE STE 100	PHOENIX	AZ	85016
REGENCY CENTERS LP		1 INDEPENDENT DR STE 114	JACKSONVILLE	FL	32202
TOMBLIN EDWARD B	TOMBLIN JOYCE I	3202 EVELYN ST	TUCKER	GA	30084
ING ROY E	ING DONNA J	1249 APPLE VALLEY RD NE	ATLANTA	GA	30319
SCOTT VIVIAN LEIGH TAYLOR	SCOTT JOHN THOMAS R	3733 GLENEAGLES LN	TUCKER	GA	30084
RENT 2 KEEP LLC		P O BOX 787	DECATUR	GA	30031
SWR-LV LLC		4200 NORTHSIDE PKWY NW 10-101	ATLANTA	GA	30327
S N LEE INC		3935 LAVISTA RD	TUCKER	GA	30084
REGENCY RETAIL PARTNERSHIP LP		PO BOX 790830	SAN ANTONIO	TX	78279
CHENG JIMMY	CHANG HSIANG	3186 EVELYN ST	TUCKER	GA	30084

Received  
 City of Tucker  
 4/22/2024  
 Planning & Zoning Dept.



THOMAS LESLEY

# MEETING SIGN-IN SHEET

MEETING INFORMATION	
MEETING TITLE	Special Land Use Permit (SLUP) for a drive-thru for a drive up ATM and a concurrent variance to maximum parking regulations.
ORGANIZER	Alec Lesley - Southeastern Retail Development, LLC
LOCATION	4083 Levlata Rd., Tucker, GA 30084 / Courtyard Atlanta Northlake conference room
DATE	April 16, 2024
TIME	7:00 PM ET

ATTENDEE NAME	ORGANIZATION	PHONE NUMBER	E-MAIL ADDRESS
Dolores Turner		6.327.1259	
Raju Thapa		678-362-7722	
Lynn Mathis		770-3378928	
Ed Tomlin		404-372-3225	
Dr. Katrin Lavell	The People's Pets	770-493-1001	thepetloverspets@comcast.net

**THIS SECTION TO BE FILLED OUT BY ORGANIZER**  
List any observations and/or comments below.

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.

Property Description  
**3925 Lavista Road**  
(Date: 2-16-24)

All that tract or parcel of land lying and being in Land Lot 190 of the 18th District, of DeKalb County, City of Tucker, Georgia, and being more particularly described as follows:

**BEGINNING** at a 5/8-inch rebar set at the northwesterly end of the mitered right-of-way intersection between the southeasterly right-of-way of Lavista Road (aka State Route 236)(100-foot public right-of-way) and the westerly right-of-way of Montreal Road (80-foot public right-of-way), said point having State Plane coordinates of North: 1,398,386.39; East: 2,269,136.90, Georgia West Zone; Thence along said miter South 57 degrees 41 minutes 11 seconds East, a distance of 52.40 feet to a 5/8-inch rebar set at the south end of said mitered right-of-way intersection; Thence continuing with said westerly right-of-way of Montreal Road, South 00 degrees 22 minutes 24 seconds East, a distance of 234.61 feet to a 1/2-inch rebar found; Thence departing said right-of-way South 89 degrees 32 minutes 09 seconds West, a distance of 137.14 feet to a 5/8-inch rebar set; Thence North 06 degrees 28 minutes 11 seconds East, a distance of 208.96 feet to a 1/2-inch rod found on the southeasterly right-of-way of said Lavista Road; Thence continuing with said right-of-way North 50 degrees 23 minutes 08 seconds East, a distance of 87.98 feet to a 5/8-inch rebar set, which is the **POINT OF BEGINNING**.

Said tract or parcel of land contains 0.679 Acres.

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.

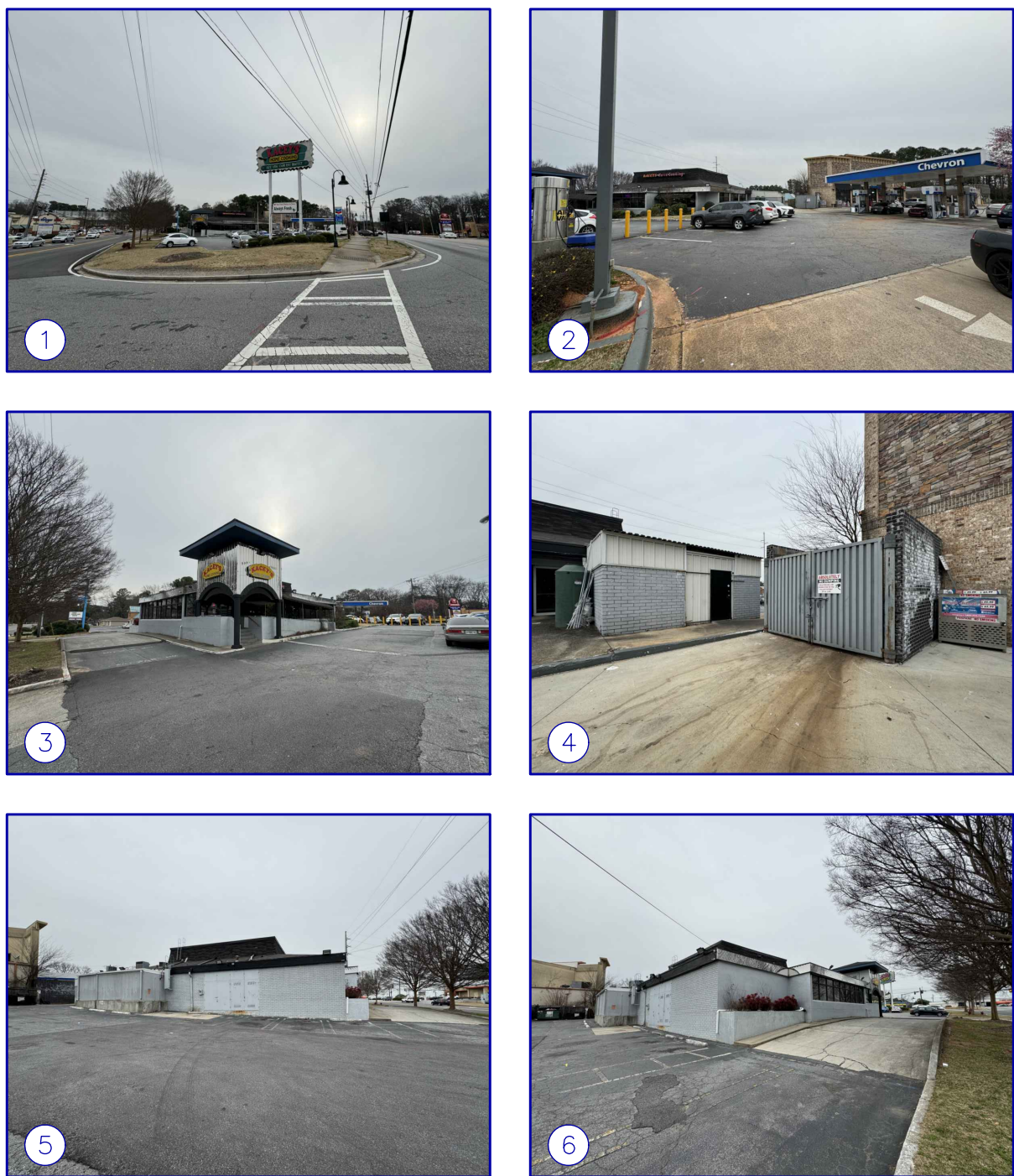


(CLERK OF COURT RECORDING INFORMATION)

GRID NORTH - GA. WEST ZONE



### SITE PHOTOGRAPHS



### UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:

GROUNDHAWK  
355 ONETA STREET - SUITE D200  
ATHENS, GEORGIA 30601  
(762) 728-9155

GROUNDHAWK UTILIZED SEVERAL TECHNIQUES INCLUDING, BUT NOT LIMITED TO, ELECTROMAGNETIC, MAGNETIC LOCATION FOR FERROUS METALS, ACOUSTIC AND PASSIVE FREQUENCIES TO DESIGNATE AND MARK BURIED UTILITIES ON THE SURFACE WITH PAINT AND FLAGS COVERING THE ENTIRE AREA OF THE PROJECT.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

### IF YOU DIG

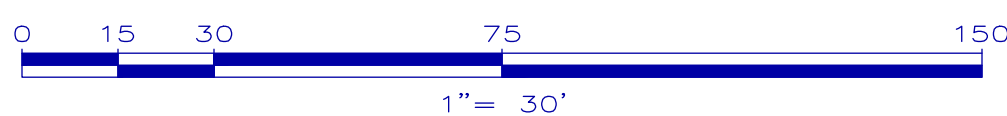


Know what's below.  
Call before you dig.  
Dial 811  
Or Call 800-282-7411

### CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN .33,016, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE "S" SERIES TOTAL STATION AND TRIMBLE TSC SERIES DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN .753,249 FEET. SEE .INIT.

### GRAPHIC SCALE



PARKING SUMMARY  
47 REGULAR  
3 HANDICAP  
50 TOTAL SPACES

N/F PROPERTY OF  
**Reeves & Flowers Partnership L.L.C.**  
DEED BOOK 25464 / PAGE 29  
ZONED NL-1  
PIN: 18 190 02 001  
SITE Area  
0.679 Acres  
29,581 sf



Professional Land Surveying Services  
1660 Barnes Mill Road  
Marietta, Georgia 30062  
Phone: (770) 795-9900  
Fax: (770) 795-8880  
www.geosurvey.com  
EMAIL: info@geosurvey.com  
Certificate of Authorization #LSF-000621

### LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS	
AC	AIR CONDITIONER	POWER POLE
BH	BORER HOLE	GUY WIRE
BSL	BUILDING SETBACK LINE	POWER LINE
CI	CURB INLET	LIGHT POLE
CMP	CORRUGATED METAL PIPE	ELECTRIC TRANSFORMER
CMF	CONCRETE MONUMENT FND	WATER VAULT
CO	SANITARY CLEANOUT	GAS VALVE
CPED	COMMUNICATION PEDESTAL	GAS METER
CTP	CRIMPED TOP PIPE	WATER VALVE
DI	DROP INLET	WATER METER
DIP	DUCTILE IRON PIPE	FIRE HYDRANT
DWCB	DOUBLE WING CATCH BASIN	UNDERGROUND ELECTRIC LINE
FND	FOUND	UNDERGROUND GAS LINE
GM	GAS METER	UNDERGROUND WATER LINE
INV	INVERT	PHOTO POSITION INDICATOR
JB	JUNCTION BOX	REGULAR PARKING SPACE COUNT
MH	MANHOLE	HANDICAP PARKING SPACE
NP	NAIL FOUND	TREE POSITION INDICATOR SIGN
OCS	OUTLET CONTROL STRUCTURE	
OTP	OPEN TOP PIPE	
PM	POWER METER	
POB	POINT OF BEGINNING	
POC	POINT OF COMMENCEMENT	
RCP	REINFORCED CONCRETE PIPE	
RBR	IRON REINFORCING BAR	
RES	5/8" RIB SET CAPPED LSF 621	
SS	SANITARY SEWER	
SWCB	SINGLE WING CATCH BASIN	
TRANS	ELECTRIC TRANSFORMER	

### TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. 2-43283, EFFECTIVE DATE: JANUARY 22, 2024.

(f) Right of Way Deed from Alton J. Reeves, Mrs. Maggie E. Flowers and Mrs. Bessie E. Adams to DeKalb County, a political subdivision of the State of Georgia, dated November 3, 1965, filed for record November 9, 1965 at 10:22 a.m., recorded in Deed Book 2044, Page 240, Records of DeKalb County, Georgia, DOES NOT AFFECT SITE (DEDICATION OF EXISTING R/W AS SHOWN ALONG LAVISTA ROAD)

(g) Permit to Cut or Trim Trees from Alton J. Reeves, Maggie E. Flowers, et al to Georgia Power Company, a corporation, dated January 14, 1971, filed for record February 8, 1971 at 10:30 a.m., recorded in Deed Book 2612, Page 742, aforesaid Records. AFFECTS SITE, AS PLOTTED (RIGHT TO TRIM OR REMOVE ANY TREES WITHIN 50 FEET OF R/W)

(h) Easement from Alton J. Reeves, Maggie E. Flowers, et al to Georgia Power Company, dated August 29, 1972, filed for record September 18, 1972 at 4:11 p.m., recorded in Deed Book 2884, Page 93, aforesaid Records. AFFECTS SITE - BLANKET EASEMENT RIGHTS FOR DISTRIBUTION OF COMMUNICATION & ELECTRICAL WIRES

(i) Notice of Filing of Declaration of Taking - DeKalb County, Georgia, a political subdivision of the State of Georgia vs. Certain Easement Rights and Joseph Pitman Williams Goalsby, Evelyn Williams Cheuning, et al, being Civil Action File No. 07CV1121-6, dated January 4, 2007, filed for record January 12, 2007 at 9:45 a.m., recorded in Deed Book 15069, Page 105, aforesaid Records. DOES NOT AFFECT SITE - NOT ON THE PROPERTY

### PROPERTY DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 190 of the 18th District, of DeKalb County, City of Tucker, Georgia, and being more particularly described as follows:

BEGINNING at a 5/8-inch rebar set at the northwesterly end of the mitered right-of-way intersection between the southeasterly right-of-way of Lavista Road (aka State Route 236)(100-foot public right-of-way) and the westerly right-of-way of Montreal Road (80-foot public right-of-way), said point having State Plane coordinates of North: 1,398,366.39; East: 2,269,136.90; Georgia West Zone; Thence along said mitered South 87 degrees 41 minutes 11 seconds East, a distance of 52.40 feet to a 5/8-inch rebar set at the south end of said mitered right-of-way intersection; Thence continuing with said westerly right-of-way of Montreal Road, South 00 degrees 22 minutes 24 seconds East, a distance of 234.61 feet to a 1/2-inch rebar found; Thence departing said right-of-way South 89 degrees 33 minutes 09 seconds West, a distance of 137.14 feet to a 5/8-inch rebar set; Thence North 06 degrees 28 minutes 11 seconds East, a distance of 208.96 feet to a 1/2-inch rod found on the southeasterly right-of-way of said Lavista Road; Thence continuing with said right-of-way North 50 degrees 23 minutes 08 seconds East, a distance of 87.98 feet to a 5/8-inch rebar set, which is the POINT OF BEGINNING.

Said tract or parcel of land contains 0.679 Acres.

### SURVEYOR CERTIFICATION (ALTA)

To: Southeastern Retail Development, LLC  
Fidelity National Title Insurance Company  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6, 7(c), 7(b-1), 8, 9, 10, 11a, & 13 of Table A thereof. The field work was completed on FEBRUARY 16, 2024.

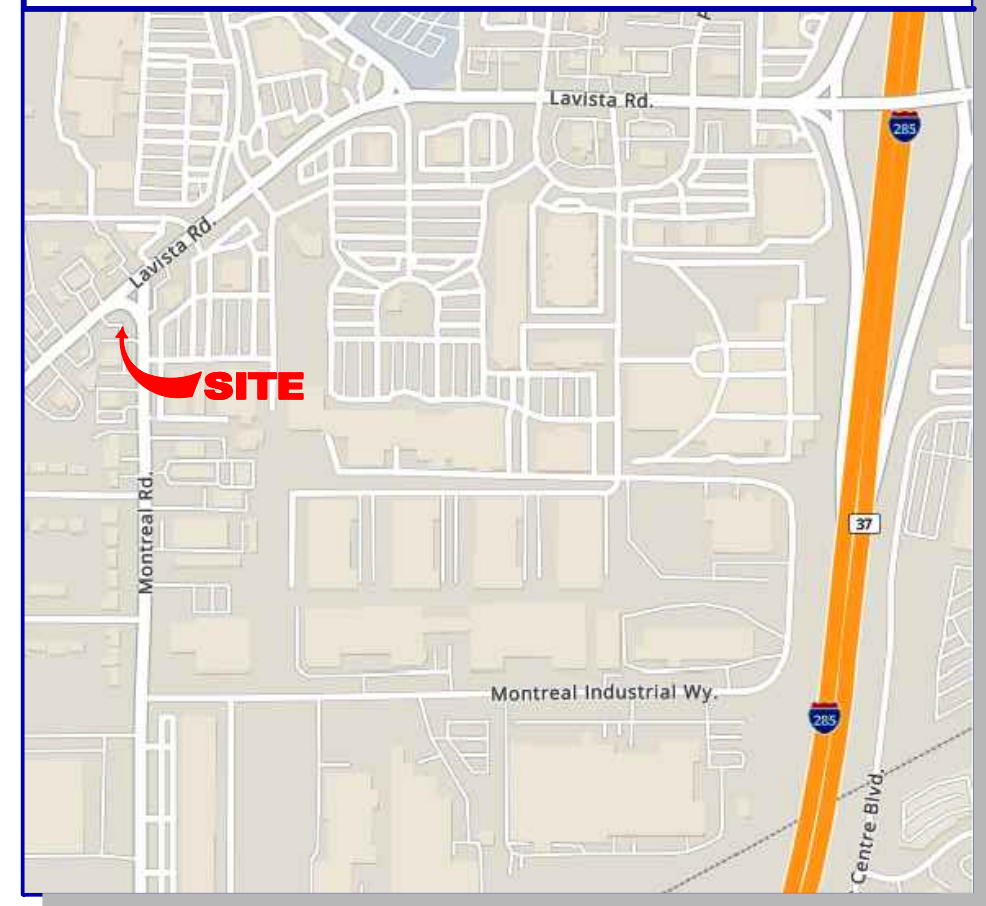
Date: FEBRUARY 16, 2024



David L. Hester  
Georgia Registered  
Land Surveyor # 3042

### VICINITY MAP

SITE LOCATION - LATITUDE: 33° 50' 38" LONGITUDE: 84° 15' 26"



### GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBERS FOR THIS AREA ARE 13089C0057K & 13089C0059K, AND THE DATE OF SAID MAPS IS 8-15-2019. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: TREES 6-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE SITE IS ZONED "NL-1" (NORTHLAKE HIGH-INTENSITY COMMERCIAL DISTRICT) AS SHOWN ON THE ONLINE ZONING MAP OF THE CITY OF TUCKER. ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACT(S) ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

SURVEY REFERENCES  
1. PERIMETER BOUNDARY SURVEY FOR McDONALD'S USA, LLC, PREPARED BY SEILER & ASSOCIATES, PROFESSIONAL SURVEYORS, DATED 1-21-2011.

### SURVEYOR CERTIFICATION (GA)

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-2-15.

David L. Hester  
Georgia Registered  
Land Surveyor # 3042

### ALTA/NSPS LAND TITLE SURVEY

3925 Lavista Road

FOR

**Southeastern Retail Development, LLC**  
**Fidelity National Title Insurance Company**

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.  
City of Tucker

GS JOB NO:	20247843	DRAWING SCALE:	1" = 30'	SURVEY DATE:	2-16-2024
FIELD WORK:	JE	CITY:	TUCKER	REVISIONS (SEE GENERAL NOTES)	1. 3/7/24 Revised Utilities
PROJ MGR:	GEE	COUNTY:	DEKALB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	190		
DWG FILE:	20247843-1.dwg	DISTRICT:	18TH		

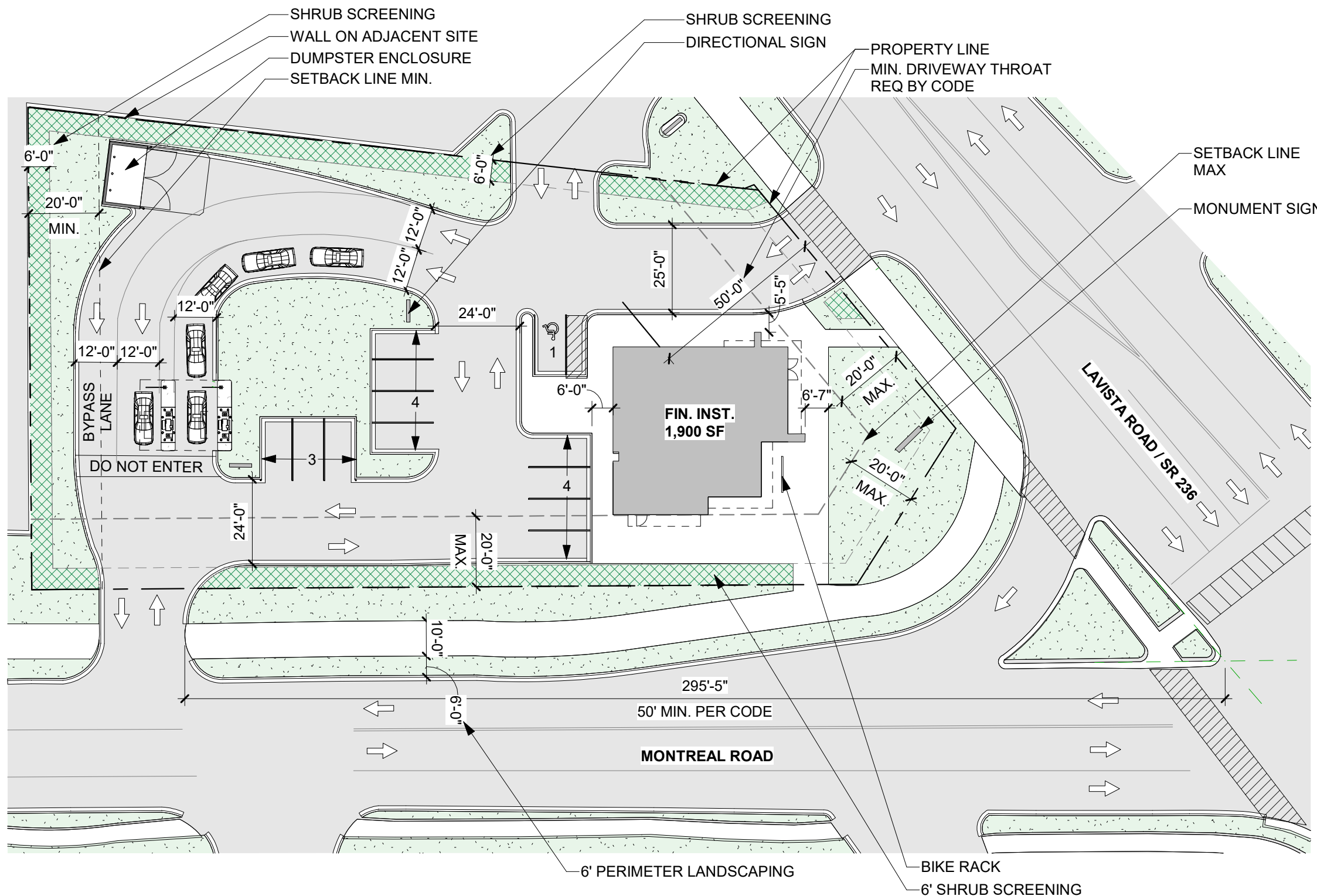




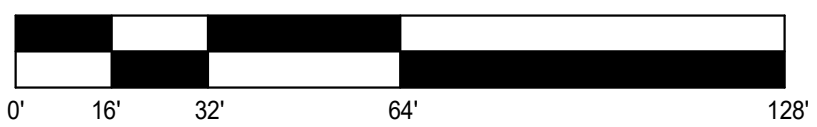
Received  
 City of Tucker  
 4/22/2024  
 Planning & Zoning Dept.







SITE DATA	
SITE ADDRESS:	3925 LAVISTA RD. TUCKER GA, 30084
JURISDICTION:	TUCKER, GA
BUILDING AREA:	1,900 SF BUILDING
EXISTING ZONING:	NL-1
SITE AREA:	0.677 ACRES / 29,525 SQFT (100%)
AREA WITH IMPERVIOUS COVER:	0.5 ACRES / 20,622 SQFT (70%)
VEGATED AREA:	0.2 ACRES / 8,903 SQFT (30%)
EXISTING USE:	RESTAURANT
PROPOSED USE:	BANK WITH DRIVE THRU
PARKING DATA	
STANDARD PARKING REQUIRED:	1 SPACE PER 250 SF GFA 1,900 SF x (1/250 SF) = (8) SPACES MIN. 4 SPACES, MAX. 8 SPACES
HANDICAP PARKING REQUIRED:	(1) SPACE PER 25 REGULAR PARKING SPACE = (1) ADA PARKING SPACE
TOTAL PARKING PROVIDED:	STANDARD PARKING = 11 HANDICAP PARKING = 1 TOTAL PARKING = 12
PARKING SPACE SIZE:	9' x 18' MINIMUM
LOADING ZONE:	NONE
BICYCLE PARKING REQUIRED:	1 SPACE PER 20 REQUIRED VEHICLE SPACES
BICYCLE PARKING PROVIDED:	1
LANDSCAPING REQUIREMENTS	
LANDSCAPING =	6' MIN. SCREENING ALONG PROPERTY LINE REQUIRED BY CODE
BUILDING REQUIREMENTS	
BUILDING SETBACK - FRONT	= NO MIN./20' MAX.
BUILDING SETBACK - SIDE CORNER	= NO MIN./20' MAX.
BUILDING SETBACK - SIDE INTERIOR	= NI MIN.
BUILDING SETBACK - REAR	= 20' MIN.
LOT COVERAGE	= 80% MAX.
VEHICLE STACKING	
ALL DRIVEWAY ENTRANCES MUST BE AT LEAST 50' FROM INTERSECTION	



**SITE PLAN**  
1/32" = 1'-0"

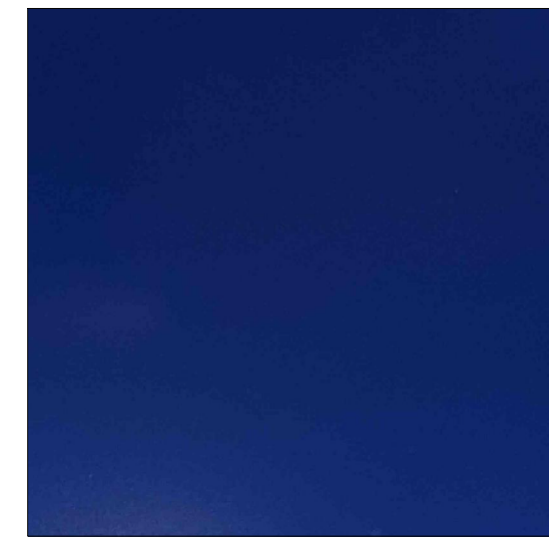
06/10/2024

PLANNING & ZONING DEPARTMENT

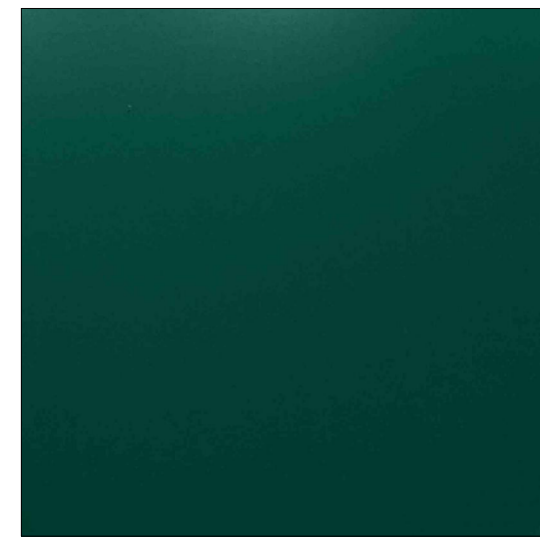
SLUP-24-0003, CV-24-0003, CV-24-0004, CV-24-0005



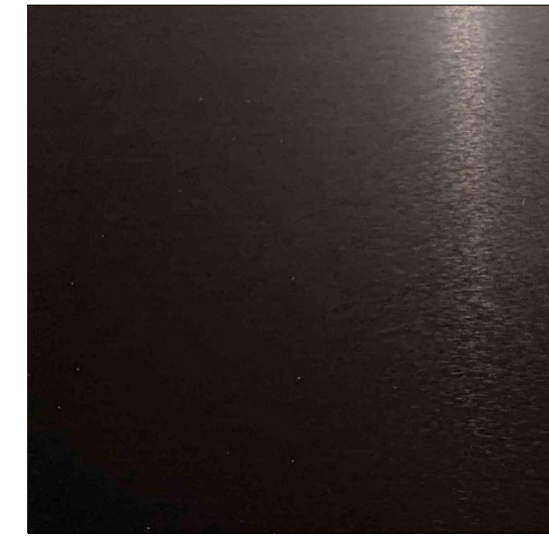
EXTERIOR FINISH IMAGES



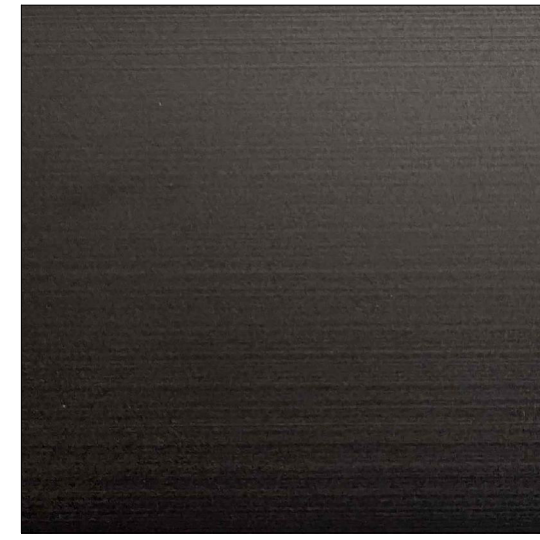
ACM-1



ACM-2



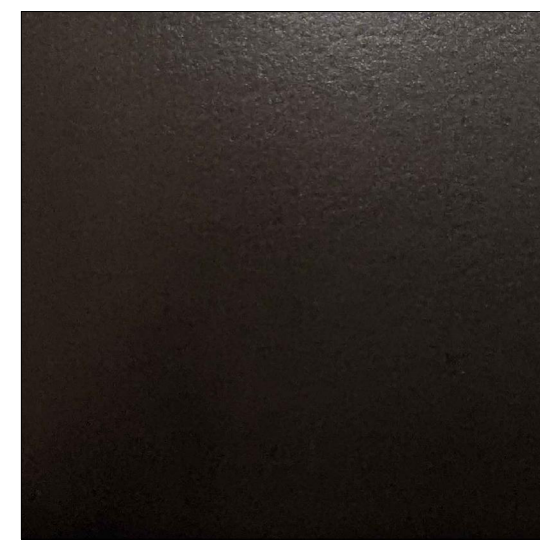
ACM-3



AL-1 & AL-2



EIFS-1



M-1



EXT-2 & EXT-4



EXT-1 & EXT-3

EXTERIOR FINISH SCHEDULE

ITEM	EXTERIOR FINISH	MANUFACTURER	COLOR	COMMENTS
ACM-1	ALUMINUM COMPOSITE METAL PANEL	ALCOA ARCHITECTURAL REYNOBOND	CUSTOM FIFTH THIRD BLUE	
ACM-2	ALUMINUM COMPOSITE METAL PANEL	ALCOA ARCHITECTURAL REYNOBOND	CUSTOM FIFTH THIRD GREEN	
ACM-3	ALUMINUM COMPOSITE METAL PANEL	ALCOA ARCHITECTURAL REYNOBOND	DARK BRONZE	CANOPIES
AL-1	ALUMINUM CURTAINWALL SYSTEM	KAWNEER	DARK BRONZE	
AL-2	ALUMINUM STOREFRONT SYSTEM	KAWNEER	DARK BRONZE	
EIFS-1	EIFS BARRIER SYSTEM	DRYVIT	#103 NATURAL WHITE	SANDEBBLE FINE FINISH
EP-1	EXTERIOR PAINT	BENJAMIN MOORE	OC-5 MARITIME WHITE	SEE PAINT SCHEDULE SPEC FOR PAINT TYPE AND SHEEN
EP-2	EXTERIOR PAINT	BENJAMIN MOORE	15 - SAFETY YELLOW	SEE PAINT SCHEDULE SPEC FOR PAINT TYPE AND SHEEN
EXT-1	STANDARD MODULAR BRICK VENEER	GLEN-GERY	KHAKI MATT	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
EXT-2	BRICK ROWLOCK	GLEN-GERY	WHITE VELOUR	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
EXT-3	BRICK SOLDIER COURSE	GLEN-GERY	KHAKI MATT	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
EXT-4	STANDARD MODULAR BRICK VENEER	GLEN-GERY	WHITE VELOUR	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
M-1	PREFINISHED METAL COPING	PAC-CLAD	DARK BRONZE	

ACM PANEL - GENERAL NOTES

- A. ALL ACM PANELS MUST BE ANCHORED TO MINIMUM 16 GA METAL STUD FRAMING. REFER TO STRUCTURAL METAL STUD FRAMING NOT BY CA SYSTEMS.
- B. METAL STUDS MUST ALIGN WITH PANEL JOINTS AS REQUIRED FOR METAL COMPOSITE PANEL ATTACHMENT.
- C. FIXED STUDS MAY BE USED TO SUPPORT METAL COMPOSITE PANELS (G.C. TO COORDINATE)
- D. 5/8" GYP. BD SHEATHING AND/OR GLASS MAT SHEATHING WILL NOT SUPPORT METAL COMPOSITE PANEL ATTACHMENT (SHEATHING NOT BY CA SYSTEMS)
- E. ALL FLATSTOCK FABRICATED FLASHING REQUIRED FOR METAL COMPOSITE PANEL DETAILS TO BE PREFINISHED ALUMINUM. COLOR TO MATCH U.N.O.
- F. ALL DIMENSIONS AND QUANTITIES ARE TO BE FIELD VERIFIED PRIOR TO THE FABRICATION (RELEASE) OF ANY & ALL METAL COMPOSITE PANEL AND ASSOCIATED FLASHINGS.
- G. ALL SKYWARD ACM PANEL JOINTS TO HAVE BACKER ROD AND CAULK. APPLY DOWN PAST WINDOW BLOCKING, TYP.
- H. USE BACKER ROD AND CAULK AT ALL VERTICAL PANEL END (JAMB) CONDITIONS AT DISSIMILAR MATERIALS (IE, STUCCO, WINDOW MULLIONS)
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100 Peachtree St NW  
Suite 1450  
Atlanta, GA 30303

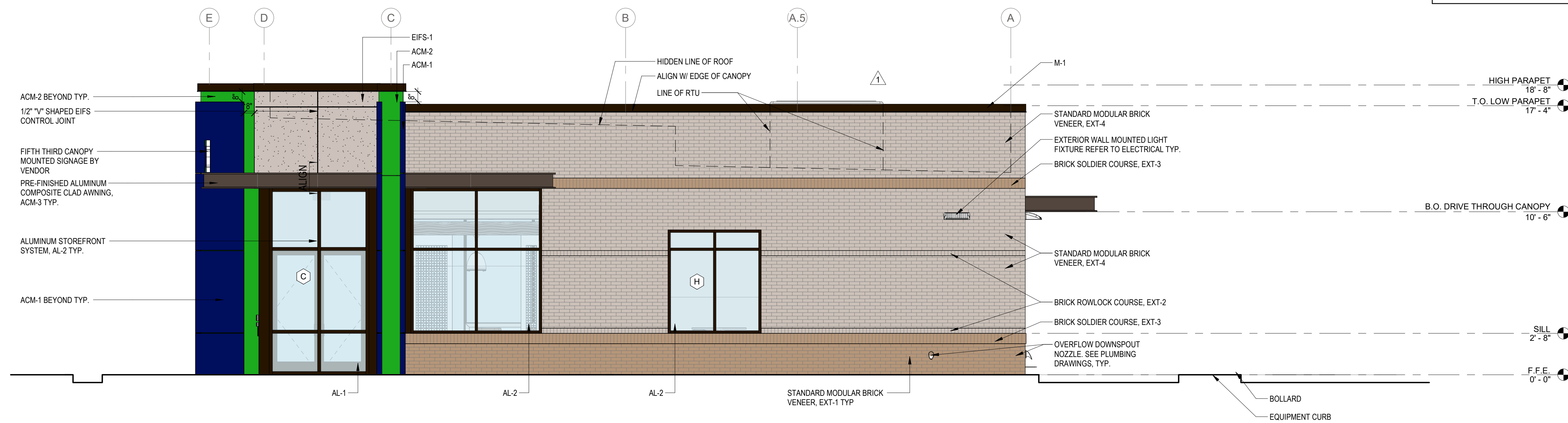
404-875-4500 tel  
www.praxis3.com

GLAZING PERCENTAGES	
GLAZING:	46.7%
NON-GLAZING:	53.3%



NORTH ELEVATION - LAVISTA ROAD | 1/4" = 1'-0" | 2

GLAZING PERCENTAGES	
GLAZING:	27.4%
NON-GLAZING:	72.6%



WEST ELEVATION | 1/4" = 1'-0" | 1

Client:  
**FIFTH THIRD BANK**

KAHUA #: K1103653  
Project Number: 23123  
Project Name:  
**FIFTH THIRD BANK  
TUCKER, GA**

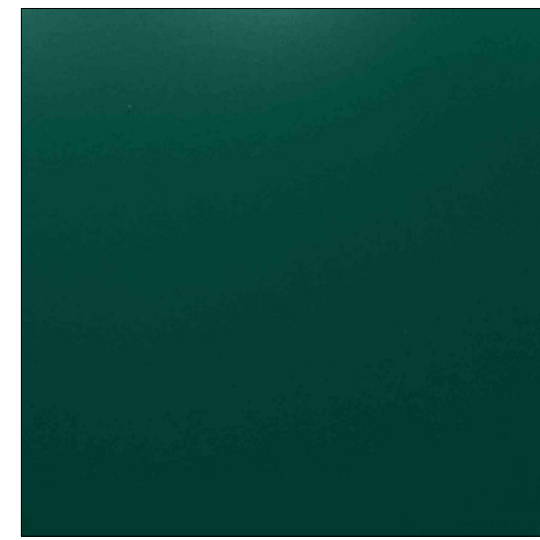
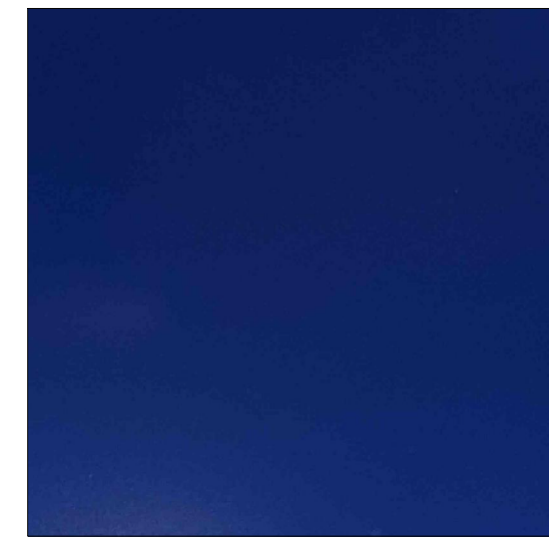
Key Plan:

Sheet Title:  
**EXTERIOR  
ELEVATIONS**

Sheet Number:  
**A-200**

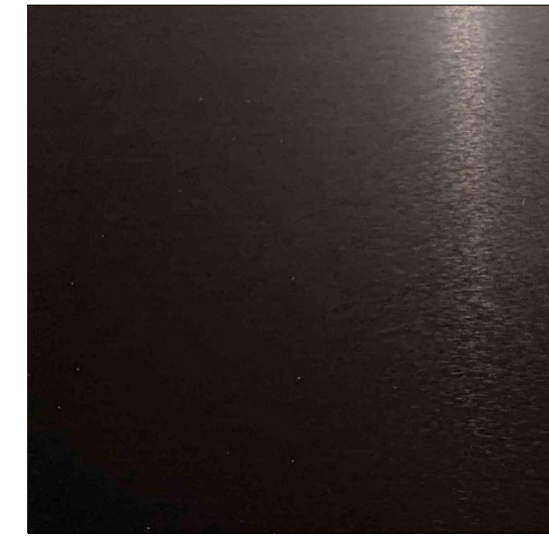


EXTERIOR FINISH IMAGES

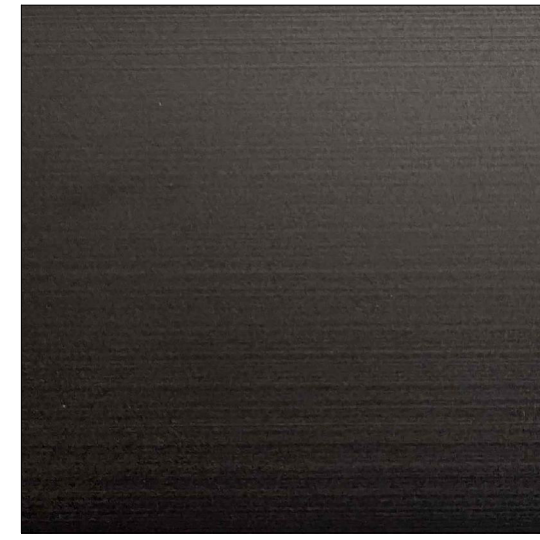


ACM-1

ACM-2



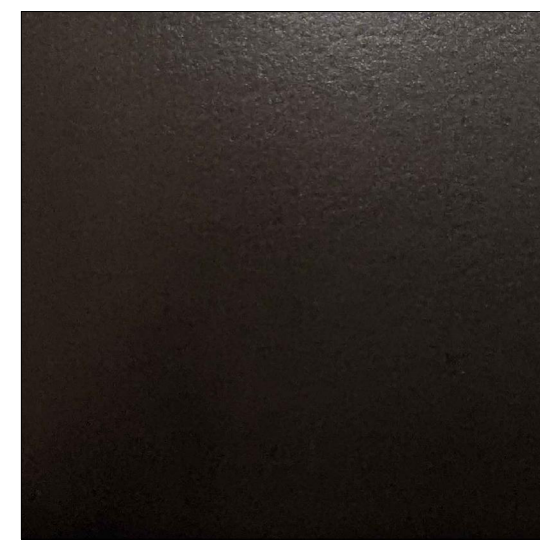
ACM-3



AL-1 & AL-2



EIFS-1



M-1



EXT-2 & EXT-4



EXT-1 & EXT-3

EXTERIOR FINISH SCHEDULE

ITEM	EXTERIOR FINISH	MANUFACTURER	COLOR	COMMENTS
ACM-1	ALUMINUM COMPOSITE METAL PANEL	ALCOA ARCHITECTURAL REYNOBOND	CUSTOM FIFTH THIRD BLUE	
ACM-2	ALUMINUM COMPOSITE METAL PANEL	ALCOA ARCHITECTURAL REYNOBOND	CUSTOM FIFTH THIRD GREEN	
ACM-3	ALUMINUM COMPOSITE METAL PANEL	ALCOA ARCHITECTURAL REYNOBOND	DARK BRONZE	CANOPIES
AL-1	ALUMINUM CURTAINWALL SYSTEM	KAWNEER	DARK BRONZE	
AL-2	ALUMINUM STOREFRONT SYSTEM	KAWNEER	DARK BRONZE	
EIFS-1	EIFS BARRIER SYSTEM	DRYVIT	#103 NATURAL WHITE	SANDEBBLE FINE FINISH
EP-1	EXTERIOR PAINT	BENJAMIN MOORE	OC-5 MARITIME WHITE	SEE PAINT SCHEDULE SPEC FOR PAINT TYPE AND SHEEN
EP-2	EXTERIOR PAINT	BENJAMIN MOORE	15 - SAFETY YELLOW	SEE PAINT SCHEDULE SPEC FOR PAINT TYPE AND SHEEN
EXT-1	STANDARD MODULAR BRICK VENEER	GLEN-GERY	KHAKI MATT	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
EXT-2	BRICK ROWLOCK	GLEN-GERY	WHITE VELOUR	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
EXT-3	BRICK SOLDIER COURSE	GLEN-GERY	KHAKI MATT	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
EXT-4	STANDARD MODULAR BRICK VENEER	GLEN-GERY	WHITE VELOUR	MORTAR MANUFACTURER: ARGOS , MORTAR COLOR: SAN TAN
M-1	PREFINISHED METAL COPING	PAC-CLAD	DARK BRONZE	

ACM PANEL - GENERAL NOTES

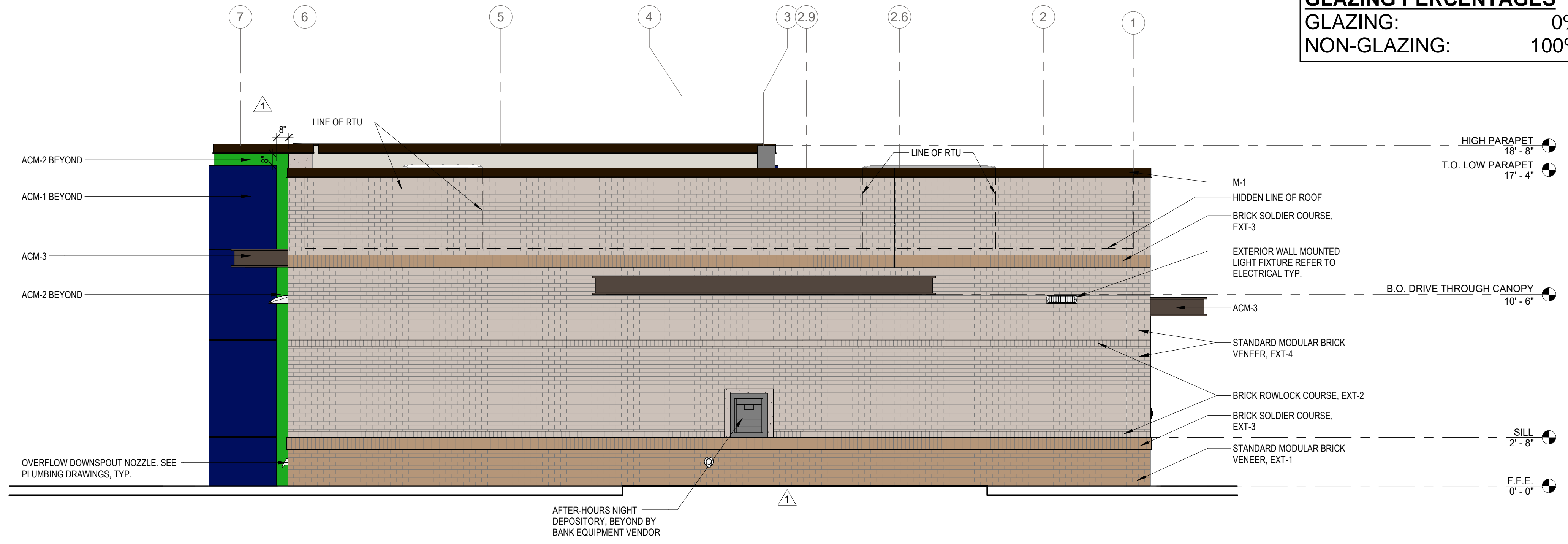
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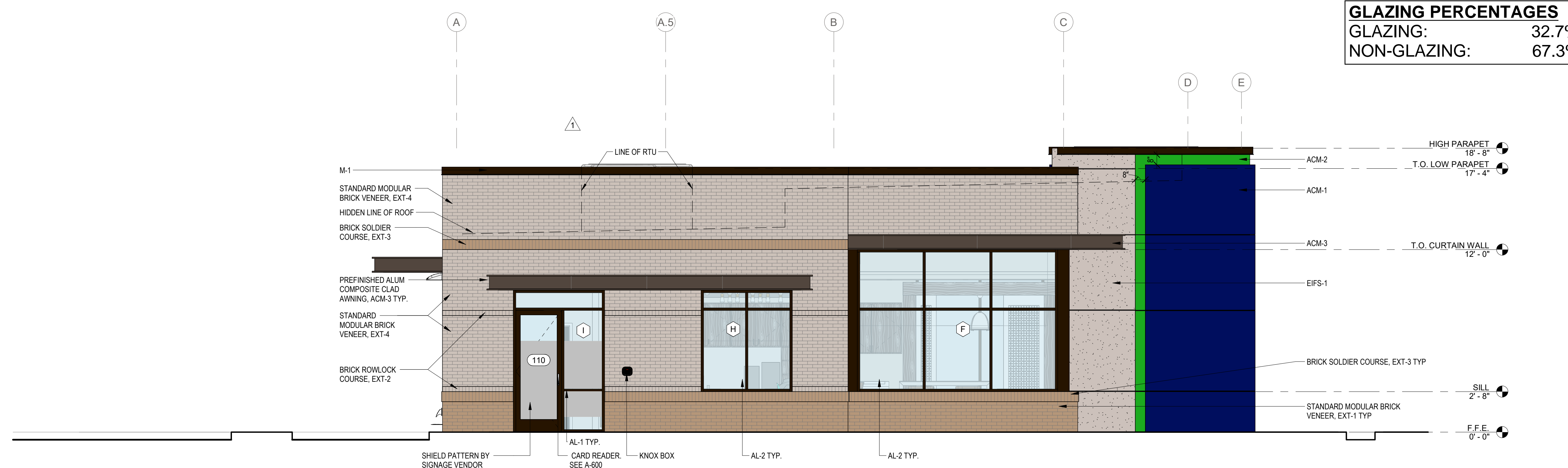
404-875-4500 tel  
www.praxis3.com

**GLAZING PERCENTAGES**  
GLAZING: 0%  
NON-GLAZING: 100%



**SOUTH ELEVATION** | 1/4" = 1'-0" | 2

**GLAZING PERCENTAGES**  
GLAZING: 32.7%  
NON-GLAZING: 67.3%



**EAST ELEVATION - MONTREAL ROAD** | 1/4" = 1'-0" | 1

Client:  
**FIFTH THIRD BANK**

KAHUA #: K1103653  
Project Number: 23123  
Project Name:  
**FIFTH THIRD BANK  
TUCKER, GA**

Key Plan:

Sheet Title:  
**EXTERIOR  
ELEVATIONS**

Sheet Number:  
**A-201**

5/6/2024 9:03:47 AM

RECEIVED  
CITY OF TUCKER  
06/10/2024  
PLANNING & ZONING  
DEPARTMENT

SLUP-24-0003, CV-24-0003, CV-24-0004, CV-24-0005

RELEASED FOR CONSTRUCTION AND PERMIT



West side of the building

These Proto Elevations will be changed to meet the Nortlake zoning requirements



**bdg**  
architects

400 N Ashley Drive,  
Suite 600  
Tampa, FL 33692  
P: 813 - 323 - 9233  
Lic #: AA - 0003590  
W: www.bdgip.com

FIFTH THIRD BANK  
1900-S  
XXXX STREET ADDRESS  
CITY, ST ZIP

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JOB # XXXXX  
DATE: XX/XX/XX  
DRAWN BY: Author  
CHECKED BY: Checker

SHEET TITLE  
RENDERINGS

SHEET NUMBER  
SD-002

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.

SLUP-24-0003, CV-24-0003, CV-24-0004, CV-24-0005



Southside of the Building - ATM no included  
 ATM will be remote further away from the building (See Site Plan)



400 N Ashley Drive,  
 Suite 600  
 Tampa, FL 33692  
 P: 813 - 323 - 9233  
 Lic #: AA - 0003590  
 W: www.bdgip.com

FIFTH THIRD BANK  
 1900-S  
 XXXX STREET ADDRESS  
 CITY, ST ZIP

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JOB # XXXXX

DATE: XX/XX/XX

DRAWN BY: Author

CHECKED BY: Checker

SHEET TITLE

RENDERINGS

SHEET NUMBER

SD-004



Received  
 City of Tucker  
 4/22/2024  
 Planning & Zoning Dept.

SLUP-24-0003, CV-24-0003, CV-24-0004, CV-24-0005



Montreal Road Frontage - ATM not included.



**bdg**  
architects

400 N Ashley Drive,  
Suite 600  
Tampa, FL 33692  
P: 813 - 323 - 9233  
Lic #: AA - 0003590  
W: www.bdgip.com

**FIFTH THIRD BANK**  
**1900-S**  
XXXX STREET ADDRESS  
CITY, ST ZIP

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**JOB #** XXXXX

**DATE:** XX/XX/XX

**DRAWN BY:** Author

**CHECKED BY:** Checker

**SHEET TITLE**

RENDERINGS

**SHEET NUMBER**

**SD-006**

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.  
SLUP-24-0003, CV-24-0003,  
CV-24-0004, CV-24-0004





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<b>JOB #</b>	XXXXX
<b>DATE:</b>	XX/XX/XX
<b>DRAWN BY:</b>	Author
<b>CHECKED BY:</b>	Checker

<b>SHEET TITLE</b>	RENDERINGS
<b>SHEET NUMBER</b>	SD-008

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.  
  
SLUP-24-0003, CV-24-0003,  
CV-24-0004, CV-24-0005





April 19, 2024

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

RE: Land Use Petition Application- Letter of Intent  
Tucker Bank Site  
3925 Lavista Road,  
Tucker, GA 30084

Dear Planning and Zoning,

Please accept the attached Land Use Petition Application for your review in conjunction with the Variance application request associated with current Kacey's property, located at 3925 Lavista Road, Tucker, GA. The scope of work for the project includes the construction of a Bank and the redeveloping of the site, associated parking, and drive-thru lanes for the best configuration for the Tenant to utilize the property and customer service.

A Special Land Use Permit for a drive-through use for a proposed bank; The drive-through will allow banking customers convenient access to the ATM's and will be a safety benefit with customers being able to stay in their car during banking transactions.

A Concurrent Variance to the maximum allowed parking requirements; Additional parking spaces for the use of bank employees and customers.

A Concurrent Variance to the maximum allowed setback; The proposed development exceeds the 20' building setback requirement based on the current location and shape of the property.

A Concurrent Variance to the minimum fenestration requirements on both public street elevations; for security purposes on this side of the building.

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.  
SLUP-24-0003, CV-24-0003,  
CV-24-0004, CV-24-0005





1. Concurrent Variance request for relief to the maximum parking count regulation in Section 46-1452 – Off Street Parking Ratios. **Increase the maximum number of parking spaces from 8 to 12.**

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.

*This site is unique in that it has two road frontages and the width along Lavista road is relatively narrow. The two road frontages meet at an odd angle, creating quasi triangle or point, rather than a typical 90 degree connection. 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 believe the requested variance goes beyond the minimum necessary to afford relief.*

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.*

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 overall design is in the spirit and purpose of the code.*

2. Concurrent variance request for relief to the fenestration requirements in Section 46-1040 – Building Form and Design. **Decrease the fenestration requirement from the front elevation**



**SOUTHEASTERN**  
RETAIL DEVELOPMENT

**(Lavista Road) from 65% to 41.7% and decrease the fenestration requirement from the eastern elevation (Montreal Road) from 65% to 23.5%.**

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.

*Not applicable, as fenestration is architectural related and this question is related to the physical characteristics of the site.*

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.

*It is applicants intent to meet the design standards to the best of its ability while also taking into account the security needs of the banking use. We do not believe a reduction in the fenestration will have a substantial adverse effect on the design standards and the overall design will be compatible with recent developments under this code and would not go beyond the minimum necessary to afford relief given the purposed use.*

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.*

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

*Given the purposed banking use, the literal interpretation and strict application of the applicable provision would cause an undue and unnecessary hardship.*

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

*The overall design is in the spirit and purpose of the code.*

3. Concurrent Variance request for relief to the maximum setback in Section 46-1036 – Dimensional Requirements. **Exceeding 20’ maximum setback by a minimum of 2’ to a maximum of 14’4’ along Lavista Road.**

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.  
OXFORD, MS





(1)

- 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.

*This site is unique in that it has two road frontages and the width along Lavista road is relatively narrow. The two road frontages meet at an odd angle, creating quasi triangle or point, rather than a typical 90 degree connection which would allow the design to much more easily meet the max setback requirements. The majority of the building facade along Montreal Road does meet the setback requirements. To the extent it does not, it is to create architectural relief. In the alternative, it would simply be a flat wall along Montreal Road which would be far less appealing architecturally. Meeting the maximum setback requirements along both roads is not possible due to the shape of the lot. Additionally, the Department of Transportation is requiring a 50' throat width for the access point on Lavista Road which further impairs our ability to meet the max setback requirement on Lavista Road.*

- 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 believe the requested variance goes beyond the minimum necessary to afford relief.*

- 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. As stated above, the intent of the code is met along Montreal road, the variance is minimal in nature (2' at the smallest point).*

- 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 overall design is in the spirit and purposed of the code.*

Received  
City of Tucker  
4/22/2024  
Planning & Zoning Dept.



**APPLICANT ANSWERS TO Sec. 46-1594. - Special land use permit considerations**

- (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.
  - a. The size of the site is adequate for the intended use. The SLUP request is for a remote drive-up ATM.
- (2) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
  - a. The proposed use of the property is comparable to the adjacent properties and other properties in the immediate area.
- (3) Adequacy of public services, public facilities, and utilities to serve the proposed use.
  - a. All adequate public services/facilities and utilities are available and all close by the site.
- (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.
  - a. The intended use should generate less traffic than what the current restaurant does. Both Lavista Road and Montreal Road are busy roads but they both have the traffic carrying capacity for a bank branch.
- (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.
  - a. Existing land uses will not be affected by our proposed bank branch. The volume of traffic generated should be less than the existing traffic and less than the adjacent uses overall.
- (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.
  - a. The bank branch will have adequate ingress/egress to both Lavista Road and Montreal Road. Cross-access is planned between this parcel and the adjacent gas station. A sidewalk will be added to Montreal Road along our boundary line to assist with pedestrian convenience. Automotive safety and traffic flow will be met with this overall development.
- (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.





**SOUTHEASTERN**  
RETAIL DEVELOPMENT

- a. The proposed development will create no adverse impacts upon other users in the immediate area.
- (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.
- a. The hours of operation will be 8AM to 5PM during the week, 9AM to 12PM on Saturday and closed on Sunday. These hours of operation will have no adverse impacts upon any adjoining land use.
- (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.
- a. The use of the property by a bank branch will have no adverse impacts of the neighboring properties.
- (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.
- a. The proposed use is allowed and is consistent with the zoning district classification. The requested drive-up ATM is consistent with the zoning classification but does require a SLUP.
- (11) Whether or not the proposed use is consistent with the policies of the comprehensive plan.
- a. The proposed use is consistent with the policies of the comprehensive plan.
- (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.
- a. The proposed development meets all of the required buffer zones and transitional buffer zones per the zoning code.
- (13) Whether or not there is adequate provision of refuse and service areas.
- a. There will be adequate provision of refuse and service areas on the site.
- (14) Whether the length of time for which the special land use permit is granted should be limited in duration.
- a. The SLUP should not be limited in duration.
- (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.
- a. The size and square footage of the building is similar in size, if not smaller, than most of the buildings in the immediate area.
- (16) Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
- a. The proposed use and development will have no adverse effects on historic buildings, sites, districts, or archaeological resources.
- (17) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.



**SOUTHEASTERN**  
RETAIL DEVELOPMENT

- a. The proposed use will meet the requirements within the supplemental regulations with grant this SLUP.

(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. The height of the building will not create a negative shadow impact on any 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.

- a. The proposed use will not result in a disproportionate proliferation of similar uses in the subject area.

(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.

- a. The proposed use will be consistent with the needs of the neighborhoods and community. The use would also be compatible to the area and the objectives of the comprehensive plan.

In conclusion, the proposed use will be consistent with the needs of the neighborhoods and community. The use will also be compatible with the area and the objectives of the comprehensive plan.

Thank you for your time and consideration. If you have any questions, please don't hesitate to reach me at (404) 667-0569 or [alesley@serdllc.com](mailto:alesley@serdllc.com).

Very Truly Yours,  
Southeastern Retail Development

Alec Lesley, Representative

Received  
City of Tucker 4/22/2024  
Planning & Zoning Dept.  
SLUP-24-0003, CV-24-0003,  
CV-24-0004, CV-24-0005



Trip Generation 5th and 3rd Data

Cost Center	Branch Name	Monthly Vol	DT Split		Weekly Open Hours	DT Per Hour	Peak Multiplier		
			Assumed Monthly	DT Vol			Peak DT Vol	Per Hour	
			45%				142%		
46304	46304 Merchants Walk BC	566	255	44	1.36	1.93			
46305	46305 Roswell Crossing BC	770	346	44	1.85	2.63			
46306	46306 Buckhead Sovereign BC	370	167	40	0.98	1.39			
46307	46307 Peachtree Corners BC	815	367	44	1.96	2.78			
46308	46308 Johns Creek BC	500	225	44	1.20	1.71			
46309	46309 Lawrenceville-Suwanee BC	1,366	615	44	3.29	4.67			
46310	46310 Webb Gin BC	1,178	530	44	2.83	4.03			
46314	46314 Lawrenceville BC	672	302	44	1.62	2.29			
46316	46316 State Bridge Road BC	470	211	44	1.13	1.60			
46335	46335 Lindbergh Plaza BC	913	411	44	2.20	3.12			
46343	46343 Madison Place BC	1,507	678	44	3.63	5.15			
46348	46348 Duluth BC	871	392	44	2.10	2.98			
46352	46352 Smyrna Cobb Parkway BC	908	409	44	2.19	3.10			
46356	46356 Powers Ferry BC	555	250	44	1.33	1.89			
46357	46357 Marietta Cobb Parkway BC	778	350	44	1.87	2.66			
46380	46380 Southeast Cobb BC	1,035	466	44	2.49	3.54			
Average						2.00	2.84		

see attached Fifth Third drive-thru analysis. This takes known overall transaction volumes at 16 Fifth Third branches in that part of metro Atlanta and applies a 45% factor for how many of those transactions are done in the drive thru versus inside teller. Those drive-thru numbers are then divided over the available business hours to get an average number of drive-thru customers per hour. We also examined “peak hours” to come up with the number of drive-thru customers per hour during certain peak times (later afternoons and Fridays in general).

The result is that we average 2 customers per hour at the drive-thru on average and just under 3 customers per hour during peak periods.



FIFTH THIRD BANK

June 14, 2024

City of Tucker Planning Commission  
1975 Lakeside Parkway  
Suite 350A  
Tucker, GA 30084

Re: **June 20, 2024 Planning Commission Hearing for 3925 Lavista Road – Fifth Third Bank and Southeastern Retail Development**

Dear Planning Commission Members:

I represent Fifth Third Bank, who is the prospective tenant for the proposed redevelopment of the former Kacey’s restaurant property by our developer partner, Southeastern Retail Development, at 3925 Lavista Road in Tucker. The project is scheduled to be heard before the Planning Commission on June 20, 2024. Unfortunately, the Bank will not be able to have anyone in attendance at the Meeting, so I wanted to submit this correspondence in absentia to provide information in support of two particular variances being sought for this project, namely relief from the maximum parking space requirement as well as the minimum architectural façade fenestration requirement.

Speaking in reference to the maximum parking allowance specified by the Ordinance of 8 spaces for our 1900 sf branch bank building. Unfortunately, after accounting for a full time staff of 4 employees and the 1 handicap space, this will leave us with only 3 parking spaces for customers. In addition, over and above our 4 employees assigned to the location, we have additional bankers (Mortgage, Investments and Business) that schedule appointments with customers at the branches in their territory. Thus, on any given day we can expect to have 5 employees parking at the branch, reducing available spaces for customers to 2. On non-peak days, we typically see 3-4 customers at any given time visit the branch and at peak times, that number can easily grow to 6 or more, especially as the branch grows deposits over time. Thus, the Bank’s target for number of parking spaces for this size facility is 12. The Bank respectfully requests a variance be granted to allow the parking count to be increased to 12 spaces total, including the required handicap space.

In reference to the façade fenestration requirement of 65% on the two street facing facades, the Bank’s prototype design that is proposed for this site already incorporates a dramatic increase in façade transparency over traditional bank branches. That was a conscious design decision made by the Bank when we developed our latest prototype. However, the nature of the banking business is that there is a certain amount of privacy expected by the customer when conducting their business with us. Unlike other retail uses, banks in general have to be conscious of that expectation. In addition, there is an

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06/14/2024

PLANNING & ZONING

DEPARTMENT  
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aspect of security in terms of having our customers and employees feel they are safe and that their identity and their confidential business is not being compromised. In our prototype, we have strived to walk that line between creating an open and inviting environment with the need to attend to our employees and customers sense of security. In that respect, we have incorporated the amount of transparency as proposed with the building in this project as our standard.

Thank you for considering the above information is support of our requests for relief from these zoning requirements.

Sincerely,



Jeffrey Wagner  
Vice President, Regional Real Estate Director  
Enterprise Workplace Services  
Fifth Third Bank  
27255 Lahser Rd., MD JSFD21  
Southfield, MI 48034  
Tele: 248-603-0729 / Email: [Jeffrey.Wagner@53.com](mailto:Jeffrey.Wagner@53.com)

cc: Alec Lesley, Southeastern Retail Development

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06/14/2024

PLANNING & ZONING  
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DEPARTMENT

SLUP-24-0003, CV-24-0003, CV-24-0004, CV-24-0005



3924

3916



935

3959

3925

3905

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0 50 100 200 Feet

SLUP  
Outside Tucker



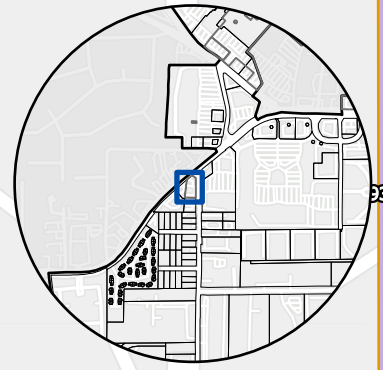
# City of Tucker

**Aerial**  
**3925 Lavista Road**  
**SLUP-24-0003, CV-24-0003,**  
**CV-24-0004, CV-24-0005**



3924

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3935

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0 50 100 200 Feet

SLUP

NL-1 (High-Intensity Commercial)

Outside Tucker

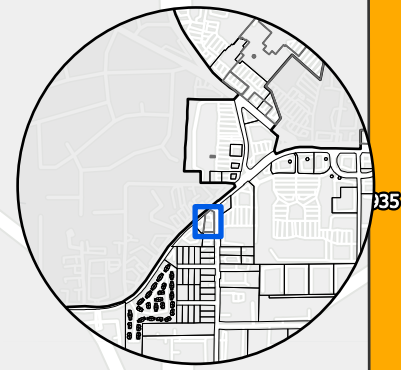


# City of Tucker

**Zoning**  
**3925 Lavista Road**  
**SLUP-24-0003, CV-24-0003,**  
**CV-24-0004, CV-24-0005**

3924

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0 50 100 200 Feet

 A horizontal scale bar with markings at 0, 50, 100, and 200 feet. The bar is black with white text and a white background.


City of  
**Tucker**

**Land Use**  
**3925 Lavista Road**  
**SLUP-24-0003, CV-24-0003,**  
**CV-24-0004, CV-24-0005**

-  SLUP
-  Town Center
-  Outside Tucker



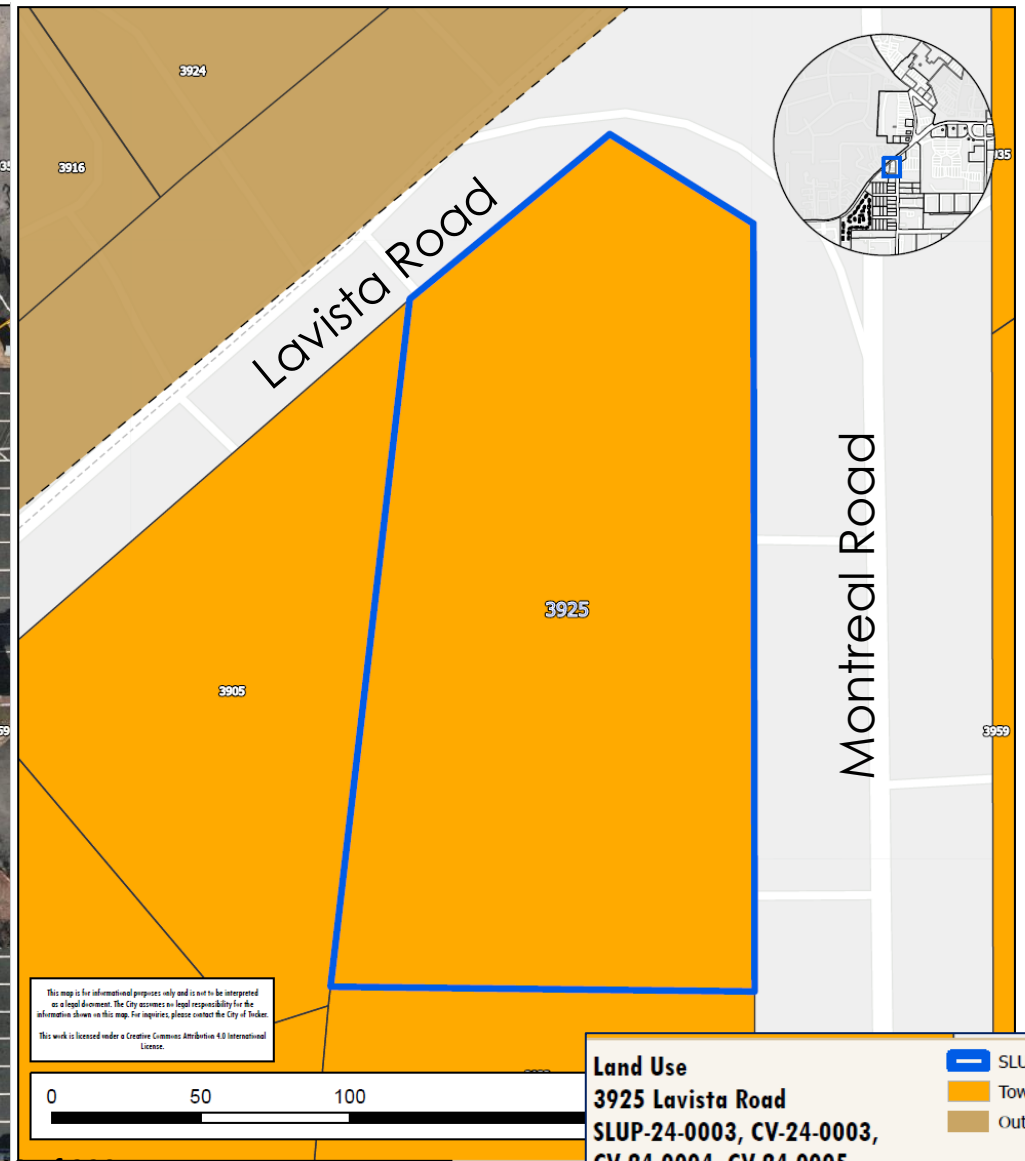
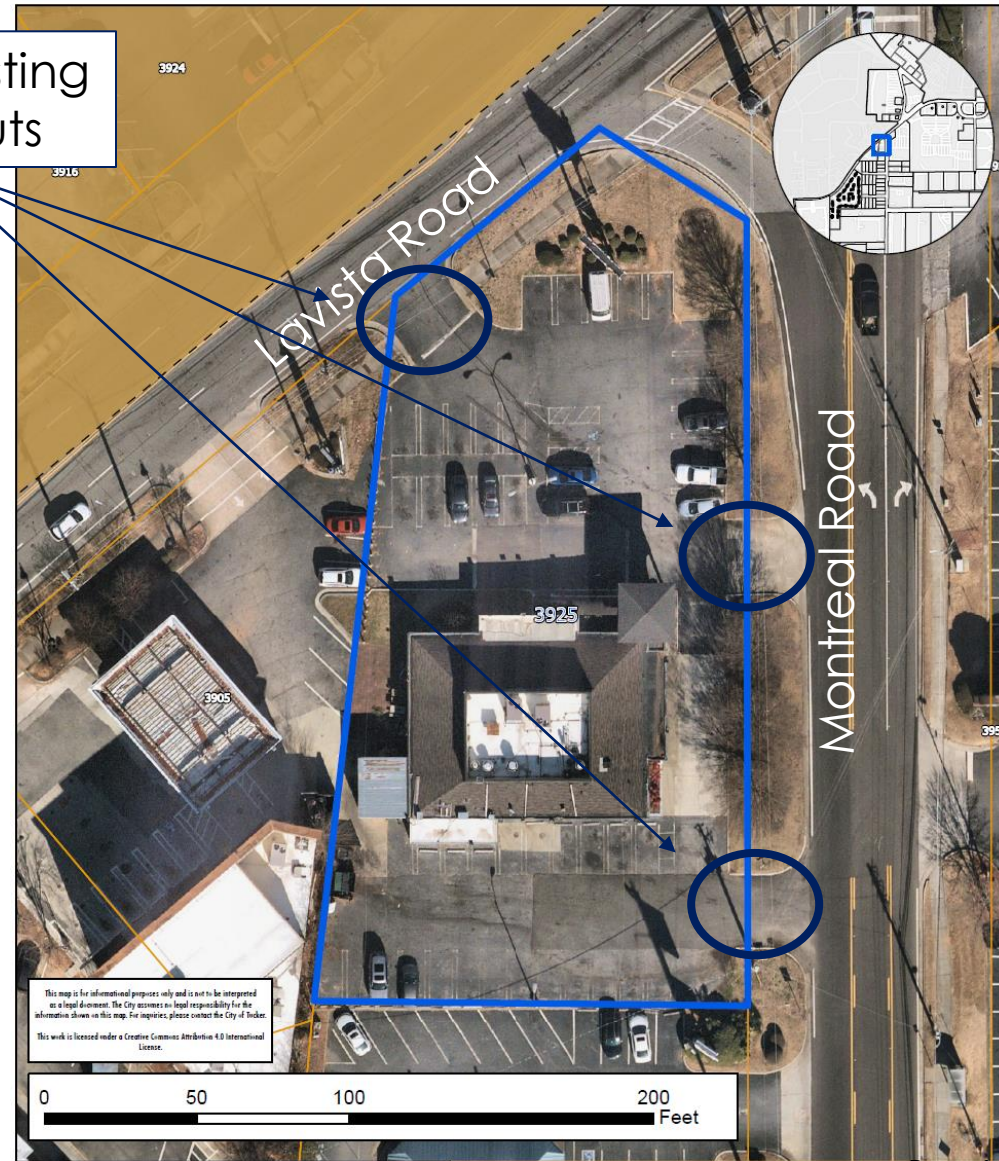


# SLUP-24-0003

<b>PROPERTY LOCATION:</b>	3925 Lavista Road
<b>LAND LOT/DISTRICT:</b>	Land Lot 190, Land District 18
<b>EXISTING ZONING:</b>	NL-1 (Northlake High-Intensity Commercial)
<b>CHARACTER AREA:</b>	Town Center
<b>PARCEL SIZE:</b>	±0.679 acres
<b>PETITIONER:</b>	Southeastern Retail Development, LLC
<b>REQUEST:</b>	Special Land Use Permit to allow a double drive-through bank with ATMS with three concurrent variances for storefront fenestration, front setback, and maximum parking ratio.

# Aerial & Future Land Use (Character Area) Maps

Three existing curb cuts



**Land Use**

**3925 Lavista Road**  
**SLUP-24-0003, CV-24-0003,**  
**CV-24-0004, CV-24-0005**

- SLUP
- Town Center
- Outside Tucker

Folder: S:\GIS\Planning\Zoning\Projects\SLUP-24-0003\Prints\<LIME> Credit: City of Tucker, DeKalb County, GeoMap Date Produced: 6/5/2024 2:37 PM



# Google Street View (January & March 2024)



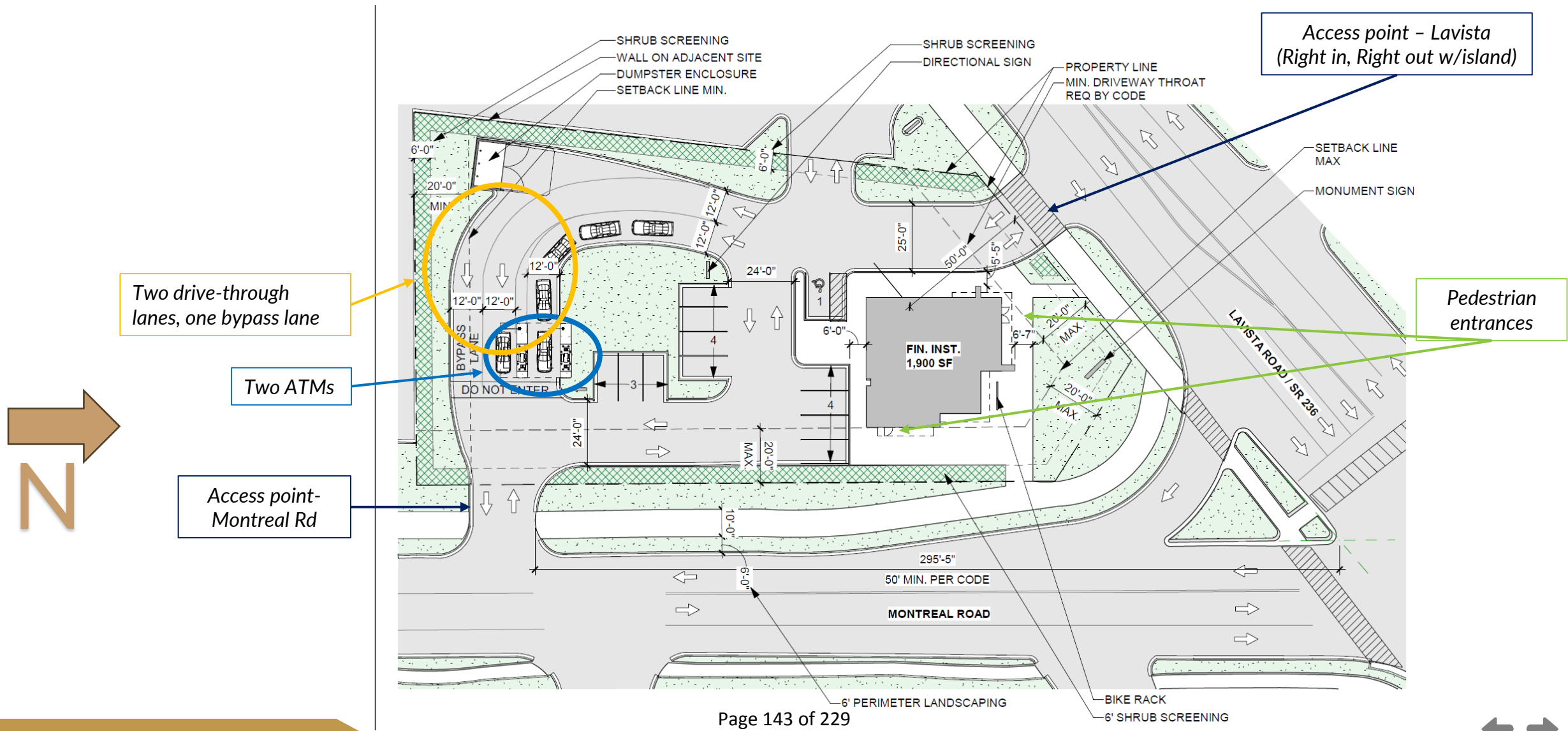


# Google Street View (March 2024)





# Proposed Site Plan



Two drive-through lanes, one bypass lane

Two ATMs

Access point - Montreal Rd

Access point - Lavista (Right in, Right out w/island)

Pedestrian entrances



## SLUP Analysis

- Drive-through configurations require a SLUP in the NL districts to ensure compatibility with surrounding developments and the Comprehensive Plan.
- Drive-through configurations in Northlake must adhere to regulations in both Sec. 46-1045 (only Northlake) and Sec. 46-1166 (citywide). This proposal complies.
- The NL-1 zoning district encourages the most intense mixed-use development in Tucker, as well as the redevelopment of parking lots into retail, office, and residential uses. Other drive-through configurations, including restaurants, exist in the area. Several banks are also in the area.
- The proposed double drive-through is located behind the building and away from both public streets.
- Trip Generation Letter: low traffic impact (less than current restaurant)



## SLUP Analysis – Supplemental Regulations

### Section 46-1045. Drive-thru facilities.

- Discusses the screening of drive-thru windows and lanes by a continuous compact evergreen hedge, or a minimum 4' screening wall in lieu of the evergreen hedge.
  - *Evergreen screening is shown on the site plan.*

### Section 46-1166. Drive-through facility; restaurant (and other facilities).

- Discusses the location of drive-through lanes and service windows in relation to the property lines and public street frontages, as well as the proximity of drive-through configurations to residential uses. Also outlines the allowable location of speaker boxes, the minimum number of stacking spaces required, and the setback requirements for drive-through lanes.
  - *Not adjacent to residential uses.*
  - *Lanes are behind building and away from street frontages.*
  - *Includes adequate stacking lanes.*
  - *Meets setbacks for lanes.*
  - *Has a bypass lane.*
  - *Pedestrian traffic does not cross drive-through lanes*

# SLUP Analysis – Comprehensive Plan

Tucker Tomorrow - 2023 Comprehensive Plan Update

## TOWN CENTER

The **Town Center Character Area** is a new category for the City of Tucker, replacing the previous designation of **Regional Center**. This change aligns with the changes DeKalb County made to their portion of the **Northlake Area** with their **2050 Unified Plan**.

The intent of the Town Center 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. The areas act as a focal point for several neighborhoods with moderate densities and a variety of activities such as retail, commercial, professional office, housing, and public open space that are all easily accessible by pedestrians. Town Centers are typically smaller in size and scale than Regional Centers and have a character similar to Neighborhood Centers, but at a larger scale.

### Primary Land Uses

- Townhomes
- Higher density multi-family including apartments and condominiums
- Retail and service commercial
- Office
- Entertainment and cultural facilities
- Public and private recreational uses

### Development Strategy

As Northlake is mostly developed, these strategies focus on redeveloping and retrofitting the area to include more residential uses, to “right-size” the amount of commercial space to meet expected demand and to enhance walkability. Strategies include:

- Encouraging relatively high-density mix of retail, office, services, and employment to serve a regional market area.
- Developing a diverse mix of higher-density housing types, including multi-family townhomes, apartments, lofts, and condominiums, including affordable and workforce housing.
- Designing the area’s streetscapes to be pedestrian-oriented, with strong, walkable connections, including improved MARTA transit connections with better route operations, stops, and shelters.
- Making connections to nearby networks of greenspace or trails, available to pedestrians and bicyclists for both recreation and transportation purposes.

### Design Considerations

- Allow a mix of townhomes and higher density residential uses, with higher densities allowed for projects that provide bonus eligible elements and features.
- Encourage better connectivity within the Northlake area, for automobiles, bicyclists and pedestrians.
- Promote the integration of pedestrian and bicycle enhancements into all investments in this area, designing streetscapes to be pedestrian-oriented, with strong, walkable connections.

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Plan Implementation & Community Work Program

## TOWN CENTER

- Encourage “interior” walkway paths through existing parking lots and commercial frontages to create a safer, inviting environment away from congested, primary thoroughfares.
- Require connections to nearby networks of greenspace or trails, available to pedestrians and bicyclists for both recreation and transportation purposes.



Plan Implementation & Community Work Program

107

The Town Center Character Area encourages a reduction in automobile travel, promoting walkability, and improved transit connections.

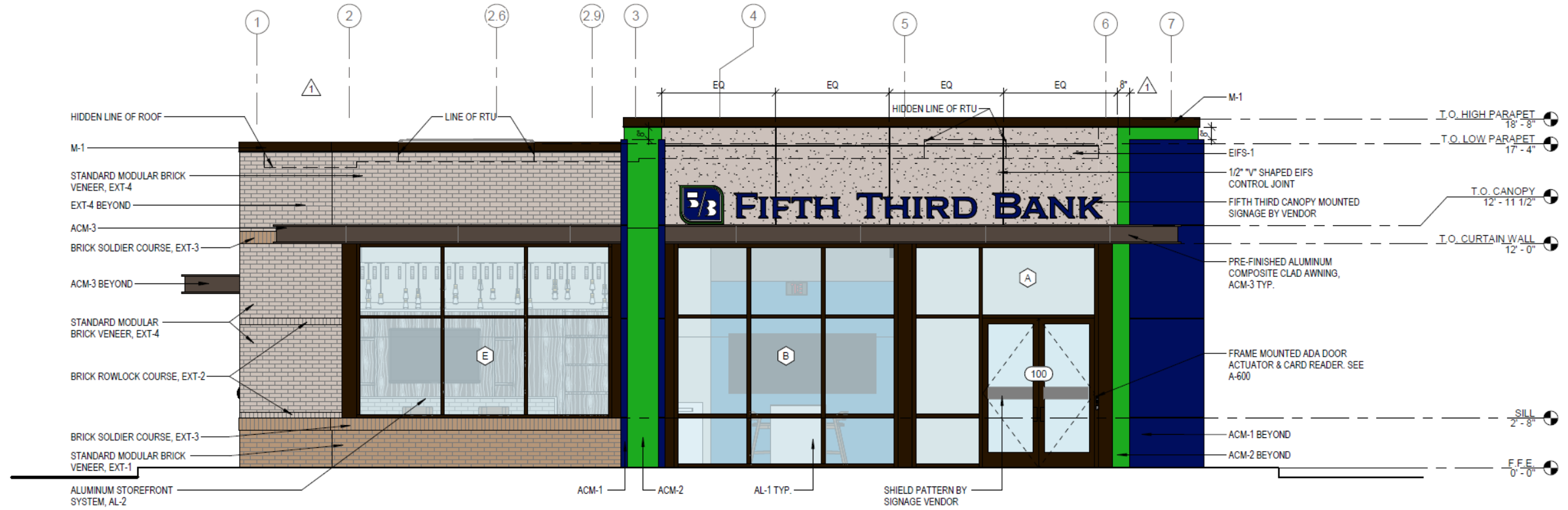


# CV-24-0003

- Sec. 46-1040(g) (Building form and design, Northlake) requires a minimum of 65 percent fenestration for a storefront along a public street.
- **A concurrent variance is requested to decrease the fenestration requirements of the street front elevations along Lavista Road from 65% to 46.7% and along Montreal Road from 65% to 32.7%.**

# CV-24-0003

GLAZING PERCENTAGES	
GLAZING:	46.7%
NON-GLAZING:	53.3%



NORTH ELEVATION - LAVISTA ROAD | 1/4" = 1'-0" | 2





# CV-24-0003

GLAZING PERCENTAGES	
GLAZING:	32.7%
NON-GLAZING:	67.3%



EAST ELEVATION - MONTREAL ROAD | 1/4" = 1'-0" | 1



# CV-24-0003

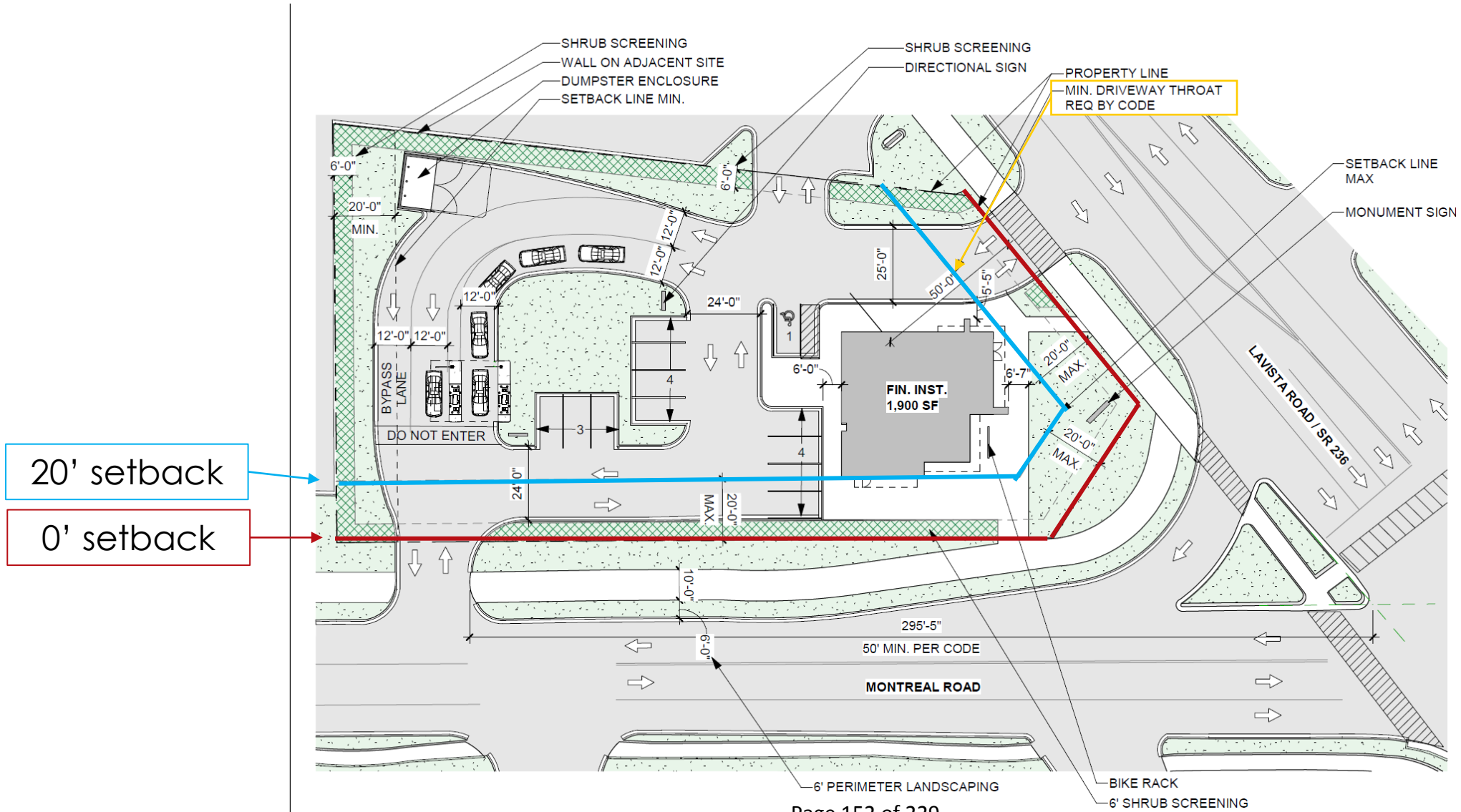
- The corner lot has two street frontages, which makes the interior layout a challenge.
- The applicant is requesting the minimum necessary to afford relief.
- Granting the variance would not be detrimental as the project will bring the overall site more into compliance by removing an area of surface parking.
- Literal interpretation and strict application of applicable requirements could cause undue and unnecessary hardship as it would not allow for placement of necessary interior elements.
- The proposal is primarily consistent with the spirit and purpose of the Town Center Character Area. The redevelopment of this parcel could spur further redevelopment that increases green space, sidewalks, and walkability in the area.



# CV-24-0004

- Sec. 46-1036 (Dimensional requirements, Northlake) includes a 0' min. / 20' max. front setback for properties in the NL-1 zoning district.
- **A concurrent variance is requested to increase the max. front building setback along Lavista Road from 20' to 22' - 34' 4".**

# Initial Site Plan (June 10, 2024)



20' setback

0' setback

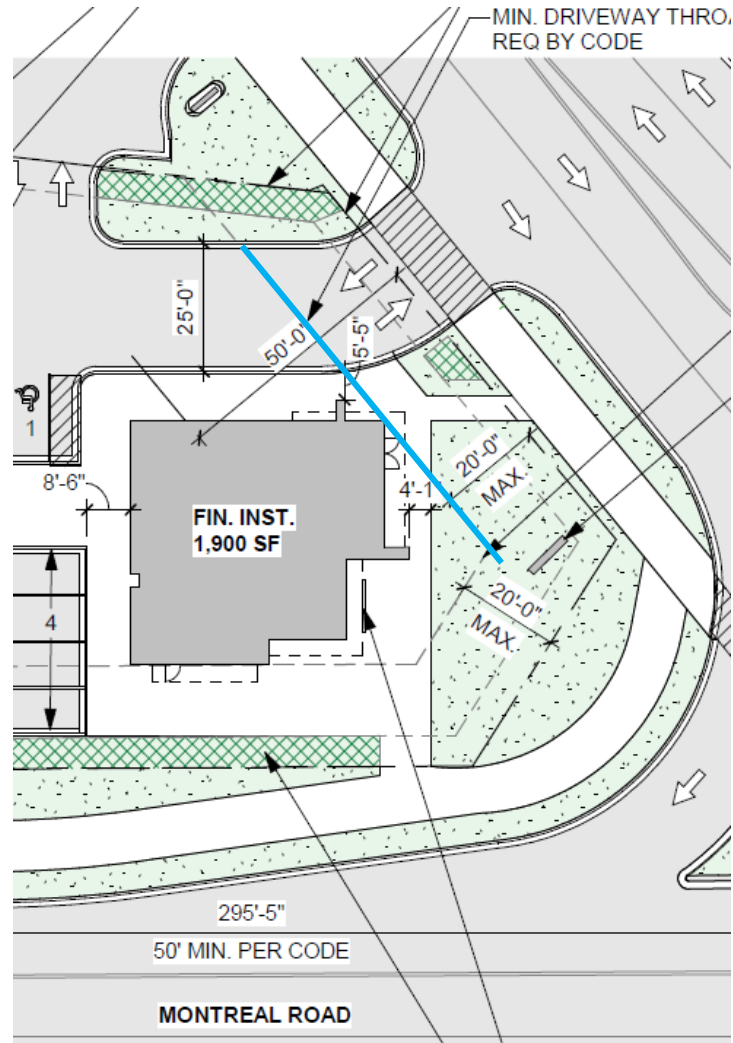




# CV-24-0004

- The sharp angle of the corner lot makes it difficult to place a building squarely in the minimum/maximum setback lines on both roads.
- The applicant is requesting the minimum necessary to afford relief.
- Granting the variance would not be detrimental. The larger setback may improve intersection visibility, and landscaping at the corner would enhance the aesthetics of the intersection.
- Literal interpretation and strict application of applicable requirements could cause undue and unnecessary hardship as an angular building design could prohibit placement of necessary interior elements.
- The proposal is primarily consistent with the spirit and purpose of the Town Center Character Area. The plaza like feeling created at this corner lot also serves to improve intersection visibility.

# Updated Site Plan (July 2, 2024)



- Planning Commission asked if the applicant could shift the building closer to Lavista so that a portion of the front façade complied with the setback maximum.
- Applicant was able to shift the building approximately 2 ½ feet.
- The northwest corner of the front façade now touches the maximum front setback line.
- However, the concurrent variance is still necessary.



# CV-24-0005

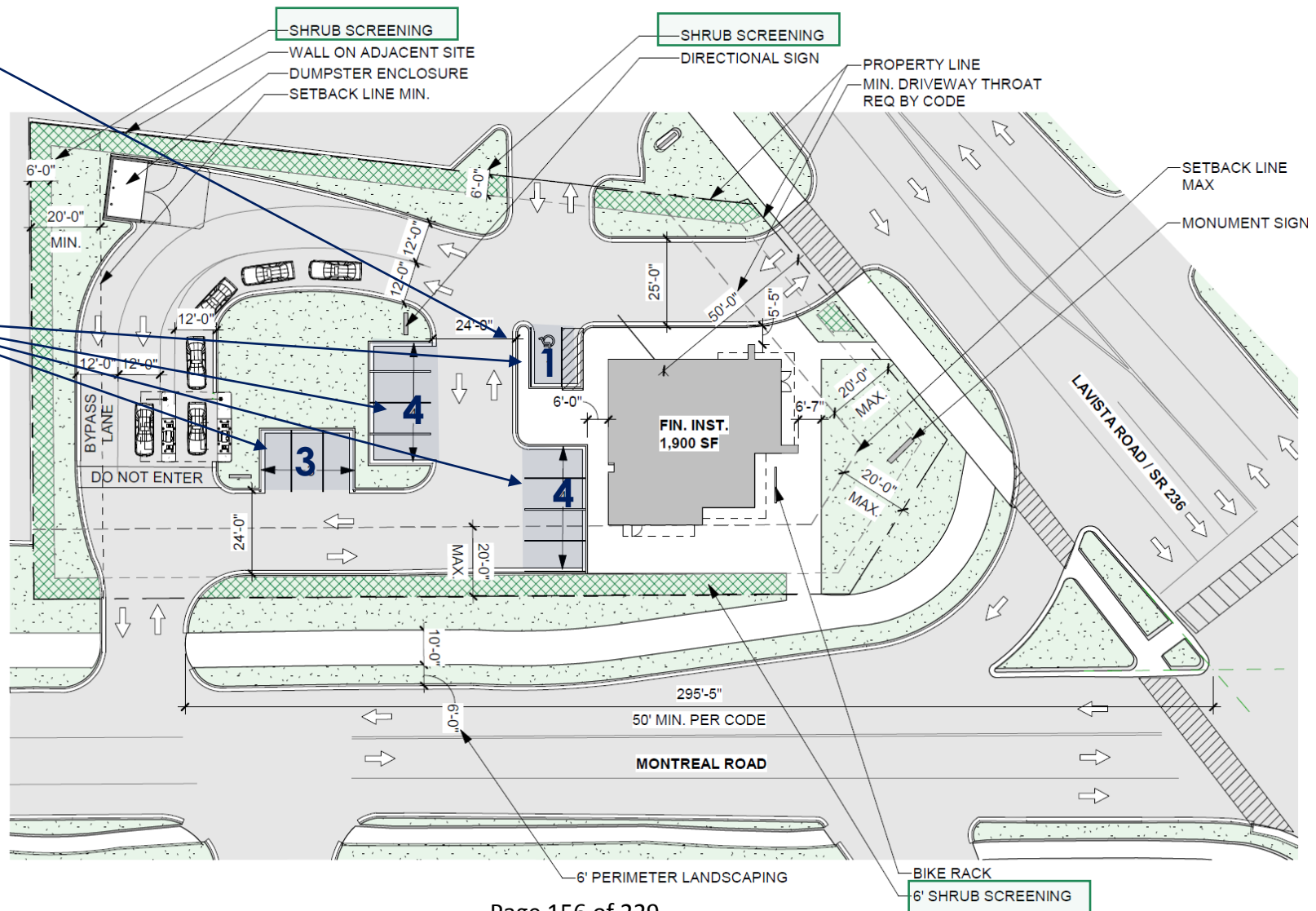
- Sec. 46-1452 (Off-street parking ratios) regulates a minimum of one parking space for each 500 feet of floor area, and a maximum of one parking space per each 250 square feet of floor area.
- **A concurrent variance is requested to increase the maximum allowed parking spaces from eight (8) to twelve (12).**

# CV-24-0005

ADA space

Parking

Minimum Required: 4  
Maximum Permitted: 8  
Total Requested: 12



# CV-24-0005

- The angular corner lot does not impact the parking.
- The request may be more than the minimum necessary to afford relief. But a larger bank building could fit on the lot which would allow for more spaces.
- Granting the variance may not be detrimental. The property has adequate land for additional parking. Parking is not between the buildings and the street, and will have landscape screening.
- Literal interpretation and strict application of applicable requirements could cause undue and unnecessary hardship as additional parking may be needed for business purposes. The property currently has 48 spaces, 12 are requested.
- The proposal is not entirely consistent with the spirit and purpose of the Town Center Character Area. While the request does not improve walkability, there will still be a net increase in the total number of parking spaces.



## Staff Recommendation

Based upon the findings and conclusions herein, staff recommends approval with conditions of SLUP-24-0002, CV-24-0003 (fenestration), and CV-24-0004 (setback),  
and  
staff recommends denial of CV-24-0005 (parking).

## Staff Recommended Conditions

1. The property shall be developed in general conformance with the site plan stamped “RECEIVED City of Tucker **July 2, 2024** Planning and Zoning Department”.
2. The minimum fenestration for the bank building shall be reduced to 46.7% on Lavista Road and to 32.7% on Montreal Road, per the elevations stamped “RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department” (CV-24-0003).
3. The maximum setback along Lavista Road shall be increased to accommodate the building placement shown on the site plan stamped “RECEIVED City of Tucker **July 2, 2024** Planning and Zoning Department” (CV-24-0004).
4. A landscape plan shall be submitted with the Land Disturbance Permit (LDP), subject to review and approval of the Community Development Director. The plan must meet the tree density requirement of thirty (30) tree density units per acre.
5. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip on the western and southern sides of the property, and along Montreal and Lavista Roads, per the site plan stamped “RECEIVED City of Tucker **July 2, 2024** Planning and Zoning Department”, to screen the appearance of the travel lanes and parking from adjacent properties and the streets.

## Staff Recommended Conditions

6. The drive-through canopies, windows, and lanes shall comply with the requirements of Section 46-1045 and Section 46-1166.
7. The existing ground sign on the property shall be removed, including the posts and base.
8. A stormwater detention plan must be submitted with the Land Disturbance permit application.
9. Owner/Developer shall construct a six-foot (6') wide sidewalk with a two-foot (2') grass strip along the entire frontage of Montreal Road.
10. The development shall be limited to one (1) right in/right out only driveway on Lavista Road.
11. If interparcel access is to be provided with the adjacent property, a recorded access agreement must be provided.
12. Owner/developer must coordinate any improvements on Lavista Road with the Georgia Department of Transportation's upcoming operational improvement project (Ops ID #20-7060).
13. Owner/developer shall dedicate additional right-of-way along the entire frontages of Lavista Road and Montreal Road such that there is a minimum of forty feet (40') from the centerline of the road, or two feet (2') from the back of sidewalk, whichever is greater.



## Planning Commission Recommendation

At its June 20, 2024 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of **SLUP-24-0003, CV-24-0003, and CV-24-0005**, subject to the following amended staff conditions. Planning Commission recommends **DENIAL of CV-24-0004**.

### Delete:

~~3. The maximum setback along Lavista Road shall be increased between two feet and fourteen feet, four inches, per the site plan stamped "RECEIVED City of Tucker June 10, 2024 Planning and Zoning Department" (CV-24-0004).~~

### Add:

**Twelve parking spaces shall be permitted, per the site plan stamped "RECEIVED City of Tucker June 10, 2024\* Planning and Zoning Department" (CV-24-0005). Pervious material, as defined in the Georgia Storm Water Manual, shall be considered for any parking spaces above the maximum allowed eight spaces.**

\*If accepted, this date should be changed to July 2, 2024.

# SLUP-24-0003 DATES

## Mayor & City Council, 1<sup>st</sup> Read

July 8, 2024

## Mayor & City Council, 2<sup>nd</sup> Read

August 12, 2024



## MEMO

To: Honorable Mayor and City Council Members  
From: Courtney Smith, Community Development Director  
CC: John McHenry, City Manager  
Date: July 2, 2024  
RE: Memo for TA-24-0003 (Business Location Approval/Zoning Use Approval Process)

---

Contract/Document Number: O2024-07-12

### Description for on the Agenda:

- First read and public hearing of an ordinance to amend City of Tucker City Code, Chapter 46, including changes related to the business location approval process and minor changes to terminology/references.

### Issue:

During start up, the city used occupation taxes as general business licenses. State law, however, treats the occupation tax purely as a revenue generating mechanism and not a regulatory process. In order for the city to modify the process for collecting taxes, we had to separate out the regulatory components, such as the zoning review. This led to the creation of a Business Location Approval process, which has now been renamed Zoning Use Approval.

In order to comply with state law and codify our new processes, we must amend several codes.

- Amendments to Chapter 10 Businesses were approved by Mayor and City Council on March 25, 2024.
- TA-24-0003 will amend the language in Chapter 46 Zoning.
- Additional text amendments are needed to change Chapter 22, 34, and 40.

### Recommendation:

Staff recommends approval of TA-24-0003.

Planning Commission recommends approval of TA-24-0003 with the following amended language for Sec. 46-1496(a):

*Prior to the commencement of any new business in any zoning classification in the city, the owner or operator thereof shall apply to and obtain from the planning and zoning director **or designee** for the approval of the location of the business on a form prescribed by the City.*

Staff has already incorporated this change in the documents for the 1<sup>st</sup> read.

### Background:

Staff will note that the new process started in January of 2024. Approximately 200 zoning approvals have been given so far



via the new process. For more information about the new process, please visit <https://www.tuckerga.gov/business/new.php>. Staff will edit the website to reflect the new title of Business Location Approval during the text amendment process

**Summary:**

The proposed changes include:

1. Removal of all references to business licenses throughout Chapter 46. References are deleted or changed to reference “occupational tax.”
2. Added reference and code regulations for “Zoning Use Approval” in Article 7.
3. Added references for penalties should businesses not comply with the required step of a “Zoning Use Approval.”

**Financial Impact:** N/A

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF TUCKER, GEORGIA, FOR THE PURPOSE OF AMENDING ARTICLE III, IV, AND VII OF THE CITY OF TUCKER CODE CHAPTER 46 ZONING REGARDING CHANGES RELATED TO THE BUSINESS LOCATION APPROVAL/ZONING USE APPROVAL PROCESS AND MINOR CHANGES TO TERMINOLOGY/REFERENCES.**

**WHEREAS**, The Mayor and City Council desires to promote the public health, safety, morals and general welfare of the residents of the city; and,

**WHEREAS**, the Mayor and City Council desires to encourage economic development activities by ensuring businesses are in compliance with zoning regulations; and

**WHEREAS**, the Mayor and City Council desires to achieve compliance with all applicable state and federal regulations; and

**WHEREAS**, the Mayor and City Council desires to provide for protection of the constitutional rights and obligations of all citizens within the city; and

**WHEREAS**, notice to the public regarding said amendment has been duly published in The Champion, the Official News Organ of Tucker; and

**WHEREAS**, a Public Hearing was held by the Mayor and City Council of Tucker on July 8 2024 and August 12, 2024; and

**WHEREAS**, The Mayor and City Council is the governing authority for the City of Tucker, and;

**WHEREAS**, the Mayor and City Council wish to revise Sec. 46-952 (g) to remove the words "business license," as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Sec. 46-1156 to amend the language regarding occupational tax certificates, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Sec. 46-1162 to amend the language regarding business licenses, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Sec. 46-1170 to amend the language regarding business licenses, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council desires to amend Sec. 46-1185 to remove all references to "business license," as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Sec. 46-1202(3)b to replace “local business license” with “Local Massage Establishment License,” as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council desires to revise Sec. 46-1223 to amend the language regarding business licenses, as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council wish to revise Sec. 46-1226 to replace “business license” with “payment of occupational tax,” as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council desires to revise Sec. 46-1494(a)(1) to add reference to “zoning use approval,” as shown in Exhibit A; and

**WHEREAS**, the Mayor and City Council desires to create Sec. 46-1496 Zoning Use Approval with subsections (a) through (i) regarding the requirement to obtain and comply with the zoning use approval process, as shown in Exhibit A; and

**NOW THEREFORE**, the Mayor and City Council of the City of Tucker while in Regular Session on August 12, 2024 hereby ordains and approves the amendment of Chapter 46 Article III, IV, and VII as shown in Exhibit A, which is attached to this ordinance.

So effective this 12<sup>th</sup> day of August 2024.

Approved by:

\_\_\_\_\_  
Frank Auman, Mayor

Attest:

\_\_\_\_\_  
Bonnie Warne, City Clerk

SEAL



### **ARTICLE 3**

#### **Sec. 46-952. - Overlay districts generally.**

Overlay districts are supplemental to the zoning district classifications established as special districts or in article II of this chapter. The following shall supersede the applicability statements in each overlay district, and are applicable as follows:

- (a) All development and building permits for lots located, in whole or in part, within an overlay district must meet all of the regulations of the underlying zoning district in which they are located as well as all of the regulations of the applicable overlay district.
- (b) For new development after the effective date of this chapter, when no complete application for a land disturbance or building permit has been filed with respect to a property located within an overlay district and the property has conditions of zoning that were approved prior to, and in conflict with the overlay district regulations contained in this article, the overlay district regulations shall prevail. If a condition of zoning does not conflict with the overlay district regulations, the condition of zoning shall remain applicable to the property.
- (c) For existing development, if overlay district regulations conflict with the conditions of zoning applicable to property within in an overlay district, the existing zoning conditions remain applicable to the property.
- (d) If a use is permitted in the overlay district, but the underlying zoning requires a special land use permit for the same use, the overlay shall govern, and no special land use permit is required.
- (e) If overlay district regulations conflict with other regulations contained in this chapter, the overlay district regulations shall prevail.
- (f) The use of property may be permitted without rezoning if listed as allowed by the overlay. Uses allowed by the underlying zoning in article IV, may also be permitted in the overlay district unless it is listed as prohibited.
- (g) Each application for a ~~business license~~, land disturbance permit, building permit or sign permit, which involves the development, use, exterior alteration, exterior modification or addition of any structure, must demonstrate compliance with all overlay district regulations, subject to article VIII, Nonconforming uses, structures and buildings.
- (h) The overlay districts include some uses which require a special land use permit.

## **ARTICLE 4**

### **Sec. 46-1156. - Automobile wash service, principal, accessory, detail or mobile.**

(a) Hand wash and automatic car washes shall provide a paved area with capacity to stack five vehicles waiting to use automatic carwash facilities, and two vehicles per bay for hand car washes.

(b) Wastewater from all automobile wash services shall be pretreated in accordance with watershed management standards prior to being drained into the public sanitary sewer or into any stormwater structure. Approval shall be obtained from the DeKalb County watershed management department prior to ~~being issued an occupational tax certificate to the commencement of any business operations.~~ Each day any business operations are conducted without prior approval shall constitute a separate violation punishable as provided for in Code Section 1-7.

(c) No storage or repair of vehicles shall be allowed on property on which a car washing facility is located.

(d) An accessory single-bay automatic (not hand wash) car wash completely enclosed except for openings necessary to allow entry and exit of vehicles shall be permitted subject to the following:

- (1) The car wash structure shall be constructed of building materials consistent with that of the principal building, including the roof.
- (2) The doors of the car wash building shall be fully closed when the facility is not available for operation.
- (3) The car wash structure shall be located behind the rear building line of the principal building,
- (4) The car wash must be accessory to the primary use on the parcel.

(e) Entry and exit bays for automatic car wash facilities, including accessory automatic car washes, shall be screened from a public street with a mix of evergreen and hardwood trees.

### **Sec. 46-1162. - Child day care facility (up to six children), or child day care center (seven or more children).**

Each child day care facility and child day care center shall be subject to the following requirements. A child day care facility or center may also be a kindergarten or preschool.

- (1) Each child day care facility and child day care center shall comply with all applicable state day care requirements for standards, licensing and inspection. ~~A city business license is required.~~

- (2) Prior to the ~~issuance of a business license for~~ commencement of operations of a child day care facility or child day care center, the necessary licensing from the state shall be obtained, including compliance with all requirements related to minimum area for classrooms, play areas, and fencing. Each child day care facility and child day care center shall provide off-street parking spaces as required by the applicable zoning district. Each child day care center shall provide an adequate turnaround on the site.
- (3) The exterior appearance of any child day care facility located in a residential district shall be maintained as a residential structure, and no signs other than those otherwise authorized within the applicable zoning district shall be erected (no cut-outs, animal characters, or other graphics shall be affixed to the exterior of the structure or displayed upon the premises).
- (4) No child day care facility shall be located within 1,000 feet of another child day care facility.
- (5) See also additional approval criteria in article VII of this chapter.

### **Sec. 46-1170. - Farmer's markets, temporary seasonal.**

Temporary or seasonal farmer's markets must obtain a special administrative permit for temporary seasonal sales or event in order to operate and shall adhere to the following requirements:

- ~~(1)~~ The operator of a farmer's market shall ~~obtain a business license from the city prior to opening the farmer's market~~ pay the appropriate occupation tax to the city.
- (2) The city shall be provided a list of the names of persons, firms or corporations who shall provide produce or merchandise for sale as part of the public market. The list shall also generally describe the type of item sold by each said person, firm or corporation. The list shall be updated quarterly ~~during the term of the business license.~~
- (3) Displayed inventory of the products sold may include:
  - a. Farm products such as fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.
  - b. Value-added farm products such as baked goods, jams and jellies, canned vegetables, dried fruit, syrups, salsas, salad dressings, flours, coffee, smoked or canned meats or fish, sausages, or prepared foods.
  - c. All other items may not be displayed and sold.



## Ordinance 2024-07-13 Exhibit A

- (4) At least 75 percent of the vendors participating during the market's hours of operation must be either producers (a person or entity that raises farm products on farms the person or entity owns, rents or leases), family members, employees or agents of producers or preparer of said products.
- (5) If a booth sells farm products or value-added farm products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least two inches tall and visible to the consumer.
- (6) Vending structures may include a temporary, movable booth, stall, table, tent or other structure used for the sale of goods or for display purposes at a farmer's market.
- (7) Hours of operation. Temporary or seasonal market hours may be between 7:00 a.m. and 9:00 p.m. Temporary or seasonal markets shall not operate more than six hours per day nor more than three days per week. Set-up of market operations shall begin no earlier than 6:00 a.m. and take-down and clean-up shall end no later than 10:00 p.m.
- (8) Market manager. On-site presence of a market manager is required during all hours of operation. The market manager shall direct the operations of all vendors participating in the market and verify that the requisite number of individual vending structures are operated by producers.
- (9) Parking. Two parking spaces per vendor shall be provided on site or within 500 feet of the boundary line of the property hosting a temporary or seasonal farmer's market.
- (10) Access to public toilet facilities shall be provided to customers.
- (11) Farmer's markets must obtain a special administrative permit for temporary seasonal sales or event to operate in the city. The application shall include:
  - a. Name and current address of the applicant.
  - b. A notarized letter signed by the property owner or authorized property manager or agent, consenting to the placement of the farmer's market on the property.
  - c. A site plan drawn to-scale showing:
    1. Property lines, street curbs, street names, adjacent sidewalks as applicable.
    2. Plan layout and dimensions showing the on-site market area including the number, arrangement, and size of the vending structures to be located in the market.
    3. Location of on-site and off-site parking spaces.
    4. Any other documents or information requested and deemed by the planning and zoning director as applicable to the specific application.

### **Sec. 46-1185. - Personal care homes and child caring institutions.**

- (a) Personal care homes, general requirements.

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(1) Each personal care home must obtain all licenses and/or permits required by the state in order to operate. Each personal care home licensed and/or permitted by the state must display its state-issued licenses and/or permits in plain view, visible from the front doorway of the facility.

(2) No personal care home may display any exterior signage that violates the sign ordinance in chapter 34 or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

(3) Personal care homes may apply for an FHA Accommodation Variance as provided for in section 46-1639.

(b) Personal care home, group (four to six persons).

(1) Two copies of complete architectural plans for the subject group personal care home, signed or sealed by a registered architect, shall be submitted to the planning and zoning director prior to issuance of a building permit ~~or business license~~.

(2) Each group personal care home must provide at least four parking spaces within a driveway, garage or carport and must comply with any applicable requirements in article VI of this chapter.

(3) In order to prevent institutionalizing residential neighborhoods, no group personal care home located in the RE, R-LG, R-100, R-85, R-75, R-50, R-SM, or MR-1 zoning districts or in special districts where residential uses are permitted may be operated within 1,000 feet of any other group personal care home. The 1,000 foot distance requirement is measured by a straight line which is the shortest distance (i.e., "as the crow flies") between the property lines of the two tracts of land on which the group personal care homes are located.

(c) Personal care home, community (seven or more persons).

(1) Two copies of complete architectural plans for the subject community personal care home, signed or sealed by a registered architect, shall be submitted to the planning and zoning director prior to issuance of a building permit ~~or business license~~.

(2) Each community personal care home must provide at least one-half parking spaces for each employee and resident, and must comply with any applicable requirements in article VI of this chapter.

(d) Child caring institutions, general requirements.

(1) Each child caring institution must obtain all licenses and/or permits required by the state in order to operate. Each child caring institution must display its state-issued licenses and/or permits in plain view, visible from the front doorway of the facility.

(2) No child caring institution may display any exterior signage that violates the sign ordinance in chapter 34 or the sign provisions in the zoning regulations for the underlying zoning district where the personal care home is located.

(e) Child caring institution, group (four-six children).

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(1) Two copies of complete architectural plans for the subject group child caring institution, signed or sealed by a registered architect, shall be submitted to the planning and zoning director prior to issuance of a building permit ~~or business license~~.

(2) Each group child caring institution must provide at least four parking spaces within a driveway, garage or carport, and must comply with any applicable requirements in article VI of this chapter.

(f) Child caring institutions, community (seven or more children).

(1) Two copies of the complete architectural plans of the subject community child caring institution, signed and sealed by a registered architect, shall be submitted to the planning and zoning director prior to issuance of a building permit ~~or business license~~.

(2) Each community child caring institution must provide at least one-half parking spaces for each employee and resident, and must comply with any applicable requirements in article VI of this chapter.

**Sec. 46-1202. - Massage establishment (includes health spas that offer massage services).**

The following regulations apply to massage establishments:

- (1) The presence of any device used as an early warning system to alert the employees of a massage establishment to the presence of law enforcement officers or city authorities on the premises is prohibited in any massage establishment.
- (2) If a receptionist is present, the public entrance door of the massage establishment and the doors of all massage rooms or cubicles must remain unlocked during any time the establishment is occupied. In the absence of a receptionist, the public entrance may be locked as long as fire safety requirements are met (panic bar, no deadbolt, etc.). Individual massage therapy rooms shall not be locked.
- (3) All massage establishments must display the following documents at all times in a clearly visible place:
  - a. State licenses.
  - b. ~~Local business license~~ Local Massage Establishment License.
- (4) Massage businesses may open no earlier than 6:00 a.m. and close no later than 11:00 p.m. Any massage must be completed by 10:00 p.m.
- (5) The exterior windows of the lobby/reception/entrance area may not be covered by curtains, closed blinds, tints or any other material that obstructs the view into the premises. No signs may cover more than 30 percent of any windowpane.



**Sec. 46-1223. - Temporary outdoor uses; general requirements.**

- (a) Temporary outdoor uses shall not be held, unless the necessary special administrative permit is obtained from the planning and zoning department, subject to the provisions of article VII of this chapter, and any other applicable agency which may require review prior to issuance of permits.
- (b) Any applicant for a permit for temporary outdoor use shall have the written authorization of the owner of the property to use the property for the specific event for which the application was submitted.
- (c) All applicants for a permit for temporary outdoor use shall ~~obtain a business license~~ pay the appropriate occupation tax, if applicable.
- (d) All approvals, permits, or licenses granted under this division must be displayed in a conspicuous manner on the premises at all times for inspection by the city.
- (e) No temporary outdoor use may be located within or encroach upon any drainage easement, public sidewalk or right-of-way, fire lanes, designated loading areas, driveways, maneuvering aisles, or ADA minimum four-foot sidewalk width within private sidewalks or other areas intended for pedestrian movement.
- (f) Temporary signage is permitted subject to the size and height standards in accordance with chapter 34.
- (g) No operator, employee, or representative of the operator of a temporary outdoor use shall solicit directly from the motoring public.
- (h) Any temporary outdoor uses which have not complied with this division shall be a violation of this section. Any person or entity found to be in violation of this section may be punished as provided for in article VII of this chapter.
- (i) No temporary outdoor use shall be conducted within any public right-of-way unless permitted by public entity.
- (j) Merchandise shall only be displayed in a manner that does not obstruct pedestrian or vehicular circulation or flow of traffic.
- (k) Merchandise shall only be displayed in an area not wider than 50 percent of the total linear frontage of the building occupied by the merchant.
- (l) The premises for a temporary outdoor use shall be restored to a sanitary condition, i.e., cleaned and cleared of all litter, trash and debris; and all equipment, materials, signs, temporary power poles, etc., associated with the temporary outdoor use shall be removed from the property within two days of the last day specified for such use, except for yard sales. All unsold yard sale merchandise remaining at the conclusion of the sale must be removed immediately. Purchased yard sale merchandise must be removed within 24 hours of conclusion of the sale.

**Sec. 46-1226. - Temporary outdoor retail sales displays.**

Temporary outdoor retail sales displays and related outdoor storage activities include the exhibition or representation of goods, merchandise, materials, or other items sold or bought at a retail establishment in which the items are displayed or sold outside the confines of a wholly enclosed building, and which are associated with the principal use of an existing business. Temporary outdoor retail sales displays shall not include events for which no ~~business license~~ payment of occupation tax is required (e.g., cookie sales). Temporary outdoor retail sales displays shall be subject to the following regulations.

(1) Use regulations.

- a. A special administrative permit must be approved in accordance with the provisions of article VII of this chapter.
- b. Temporary outdoor retail sales displays shall include the display and sale of retail merchandise associated only with the principal use of the primary business on the property for a limited period of time.
- c. Any object, device, display or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service or event, shall also be considered part of the temporary outdoor retail sales display.
- d. Sales transactions associated with the temporary outdoor retail sales display shall be conducted by employees of the principal use, and goods shall be owned by the owner or tenant of the principal use, not a consignment operation or temporary arrangement with a transient merchant/vendor.
- e. Sales transactions associated with the temporary outdoor retail sales display must be consummated inside the building housing the principal use located on the site.

(2) Lot and parcel restrictions.

- a. Goods and merchandise may be displayed on public sidewalks only when a sidewalk abuts the store or building. Displays on public or private sidewalks shall not interfere with pedestrian travel, and the minimum ADA-required sidewalk width clearance shall be maintained.
- b. Temporary outdoor retail sales display activities are prohibited on a vacant parcel.
- c. Temporary outdoor retail sales display activities shall be conducted only on a paved surface, unless approved by the director.
- d. Temporary outdoor retail sales display activities shall be permitted only on property where such activities shall not disrupt controlled vehicular ingress and egress and are not permitted within areas required, set aside or designated for loading and maneuvering areas, emergency access ways, driving aisles and driveways.
- e. Property zoned M (light industrial) and M2 (heavy industrial) are exempt from subsections (2)a and (2)b of this section and the duration limits (table 4.3). An administrative use permit is required, and duration of use is subject to the approval of the director.

(3) Setback and display requirements.

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- a. All temporary outdoor retail sales display activities, including installation or erection of associated temporary display and sales structures, and stand-alone merchandise, display tables, or display racks, must be set back at least ten feet from a city, county or state right-of-way.
- b. A temporary shade structure, tent, tilt-up, umbrella or covering may be erected as a part of the temporary outdoor retail sales display activity. Mobile buildings are prohibited. Tents over 100 square feet shall require issuance of a building permit.
- c. Display tables, racks or shelves may be used as part of a temporary outdoor retail sales display activity.
- d. Temporary outdoor retail sales display items, excluding shade structures, tents, tilt-ups, umbrellas or coverings, shall not exceed six feet above grade.
- e. A sign may be erected on the property in accordance with chapter 34, for the duration approved by the administrative permit.

**ARTICLE 7**

**Sec. 46-1494. Purpose and intent; compliance with law.**

- (a) This article is intended to provide certain procedures to govern:
  - (1) Processing of various applications for **zoning use approval**, rezoning, variances, comprehensive plan text amendments, comprehensive plan map amendments, special land use permits, administrative variances, and major and minor modifications to conditions of zoning.



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- (2) The calling and conducting of public hearings pertaining to said applications.
- (3) Establishing criteria for making decisions on such applications.
- (b) The mayor and city council, planning commission, and zoning board of appeals shall comply with all applicable provisions of state law, now and as they may be amended hereafter, including, but not limited to, state law concerning open records, open meetings and records retention.

(Ord. No. 2016-06-07, att. (7.1.1), 7-11-2016; Ord. No. 2017-03-57, § 6(A), 3-27-2017; Ord. No. O2020-03-07, exh. A, 3-23-2020)

### **Sec. 46-1496 Zoning Use Approval**

- (a) Prior to the commencement of any new business in any zoning classification in the city, the owner or operator thereof shall apply to and obtain from the planning and zoning director or designee for approval of the location of the business on a form prescribed by the City.
- (b) The planning and zoning director shall grant or deny new zoning use approval applications based on whether the proposed uses and activities of the new business comply with the applicable zoning and land use ordinances and regulations of the City.
- (c) The planning and zoning director may request proof of identity of all parties associated with a new business and any documentation reasonably necessary to evaluate new business applications including but not limited to: leases, surveys, and building blueprints.
- (d) For purposes of this Code Section, “new business” shall mean any business that has not been in legally compliant operation in its proposed location by its current owners or operators prior to the effective date of this Code Section.
- (e) Appeals from denials of a zoning use approval application may be filed and shall be handled through the same procedures as provided for in Code Section 46-1632.
- (f) The City may condition the approval of any permit or license on compliance with this Code Section.
- (g) Every business required to obtain zoning use approval pursuant to this section shall display a copy of their zoning use approval in a prominent location near the entrance to the business.
- (h) Each day any business operations are conducted by a new business that has failed to apply for and obtain zoning use approval shall constitute a separate violation punishable as provided for in Code Section 1-7.
- (i) Nothing in this Code Section shall be construed to prohibit the City from enforcing the zoning and land use regulations on any property subject to the City’s jurisdiction.

**Sec. 46-1710. - Penalties.**

Any person, firm or corporation violating any of the provisions of this division shall be deemed guilty of an offense and upon conviction in court shall be punished as is provided by law. Where any violation continues, each day's continuance of a violation shall be considered a separate offense. The owner of any buildings or premises or parts thereof, where anything in violation of this division exists, and any architect, builder, contractor or any other agent of the owner, or any tenant, who commits or assists in the commission of any violation, shall be guilty of a separate offense. In addition, the city may revoke the business license permit of any entity found guilty of violating this division in accordance with the procedures of this section for a period of time not to exceed five years, except to the extent prohibited by law.



# City of Tucker

## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Ted Baggett, City Attorney  
**CC:** John McHenry, City Manager  
**Date:** July 2, 2024  
**RE:** Memo for Ordinance O2024-07-14 Identifying Appropriate Manner of Appeal

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**Document #:** Ordinance O2024-07-13

### **Description for on Agenda:**

- First Read of an Ordinance for the Purpose of Amending the Tucker Code of Ordinances Chapter 4 Alcoholic Beverages, Chapter 22 Land Development and Subdivisions, Chapter 26 Municipal Court, and Chapter 34 Signs to Update References and Identify the Appropriate Manner of Appeal

### **Issue:**

Should the City Council enact provisions that would alter existing references to the method of appeal in the city code so that they reflect the now appropriate method of appeal from decisions by local governments?

### **Recommendation:**

The City Council should adopt the ordinance to identify the correct manner of appeal in furtherance of due process.

### **Background:**

For decades, decisions of local governments in Georgia were appealable to superior court under a method known as petition for writ of certiorari. This involved, in some cases, naming the municipal court judge or other officials of the city as respondents in the suit even though they were acting in their official capacities on behalf of the city when rendering their decisions. The General Assembly made major revisions to the method of appeal in 2022 and 2023 from decisions by local governments and created a unified method of appeal known as "petition for review". Like the code of most other cities, Tucker's code is replete with references to the old writ method. In some instances, federal courts in reviewing municipal ordinances have looked to see if the manner of appeal is identified when evaluating the ordinance for constitutional due process requirements.

### **Summary:**

Approval of this ordinance updates the city code references to the manner of appeal from local decisions and brings the code into harmony with state law appellate procedure.



**AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF TUCKER, GEORGIA FOR THE PURPOSE OF AMENDING THE TUCKER CODE OF ORDINANCES CHAPTER 4 ALCOHOLIC BEVERAGES, CHAPTER 22 LAND DEVELOPMENT AND SUBDIVISIONS, CHAPTER 26 MUNICIPAL COURT, AND CHAPTER 34 SIGNS SO AS TO UPDATE REFERENCES AND IDENTIFY THE APPROPRIATE MANNER OF APPEAL; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES.**

WHEREAS, the duly elected governing authority of the City of Tucker, Georgia is authorized by O.C.G.A. 36-35-3 to exercise legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution; and

WHEREAS, the Georgia General Assembly made significant changes to the manner of appeal from decisions of local governments in 2022 and 2023; and

WHEREAS, in furtherance of due process to all that come before the City; and

WHEREAS, this ordinance is adopted to address the interests of public health, welfare, and safety of the citizens of the City of Tucker;

NOW THEREFORE, the Mayor and City Council find that in the interests of the public safety the enactment of this ordinance by reasonable means, as allowed under state law, and not unduly oppressive is necessary to protect the health, safety, morals, and general welfare of the citizens of the city.

### **SECTION ONE**

Subsection (f) of Section 4-67 of the Code of Ordinances of the City of Tucker, Georgia related to appeals from denials of alcoholic beverage licenses, is hereby amended to read as follows:

(f) *Findings of public hearing officer.* The findings of the public hearing officer shall be forwarded to the relevant issuing department at the conclusion of the hearing. The issuing department shall have the duty to notify the appellant of the action of the public hearing officer. The findings of the public hearing officer shall not be set aside unless found to be contrary to law or ordinances, unsupported by substantial evidence on the record as a whole or unreasonable. The findings of the public hearing officer shall be final unless appealed within

30 days of the date of the findings by ~~certiorari~~ petition for review to the superior court of the county.

## SECTION TWO

Subsection (e) of Section 22-30 of the Code of Ordinances of the City of Tucker, Georgia related to appeals from decisions related to denials of variances from approved development or construction plans, is hereby amended to read as follows:

(e) *Appeals of final decisions.* All appeals of final decisions of the zoning board of appeals under the provisions of this article shall be as follows:

(1) Any person aggrieved by a final decision of the zoning board of appeals, or any officer, department, board or agency affected by such decision, may seek petition for review of such decision ~~by petitioning to~~ the superior court of the county ~~for a writ of certiorari~~, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the zoning board of appeals is rendered.

~~(2) In any such petition filed, the zoning board of appeals shall be designated the respondent in certiorari and the city shall be designated the defendant in certiorari. The secretary of the zoning board of appeals shall be authorized to acknowledge service of a copy of the petition and writ for the zoning board of appeals as respondent. Service upon the city as defendant shall be as otherwise provided by law. Within the time prescribed by law, the zoning board of appeals shall cause to be filed with the clerk of the county superior court a duly certified record of the proceedings had before the board, including a transcript of the evidence heard before it, if any, and the written decision of the board.~~

## SECTION THREE

Subsection (b) of Section 22-59 of the Code of Ordinances of the City of Tucker, Georgia related to judicial review from decisions regarding variances from stream buffers, is hereby amended to read as follows:

(b) *Judicial review.*

(1) Any person aggrieved by a decision or order of the city zoning board of appeal, after exhausting all administrative remedies, shall have the right to appeal ~~de novo~~ by petition for review to the superior court of the county.

(2) Any person aggrieved by a decision of order of the city construction board of appeals, after exhausting all administrative remedies, shall have the right to appeal by ~~writ of certiorari~~ petition for review to the superior court of the county.

#### **SECTION FOUR**

Subsection (f) of Section 22-85 of the Code of Ordinances of the City of Tucker, Georgia related to appeals from decisions related to denials of variances from rules pertaining to the subdivision of land, is hereby amended to read as follows:

(f) Appeals of variances shall be made to the construction board of appeals. Any person or entity (i.e., an owner, applicant, adjoining neighbor or a neighbor whose property line is within 1,500 feet of the nearest property line of the proposed subdivision) aggrieved by a variance decision of the director of community development may appeal such decision by filing a petition to the construction board of appeals. Appeals of the decision of the construction board of appeals made by ~~writ of certiorari~~ petition for review to the superior court of the county.

#### **SECTION FIVE**

Section 22-173 of the Code of Ordinances of the City of Tucker, Georgia related to appeals from decisions related to approval of final plats to read as follows:

The decision of the mayor to approve or disapprove the final plat may be appealed only by a petition for review ~~writ of certiorari~~ to the superior court of the county.

#### **SECTION SIX**

Subsection (i) of Section 22-739 of the Code of Ordinances of the City of Tucker, Georgia related to appeals from decisions related to denials of variances from rules regarding floodplain management, is hereby amended to read as follows:

(i) Any person aggrieved by the decision of the zoning board of appeals may appeal such decision by petition for review ~~writ of certiorari~~. A person shall be considered aggrieved for the purpose of this subsection only if:

- (1) Said person or said person's property was the subject of the action appealed from; or
- (2) Said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

#### **SECTION SEVEN**

Section 26-39 of the Code of Ordinances of the City of Tucker, Georgia related to appeals from municipal court, is hereby amended to read as follows:

Unless specified elsewhere in the Code or Charter, all appeals from decisions and judgments of the municipal court in criminal and ordinance violation cases shall be appealable, by ~~writ of certiorari~~ petition for review, to the superior court of the county ~~under the laws of the state regulating the granting and issuance of writs of certiorari~~.



**SECTION EIGHT**

Subsection (c) of Section 34-29 of the Code of Ordinances of the City of Tucker, Georgia related to appeals from denials and revocations of sign permits, is hereby amended to read as follows:

(c) ~~*Certiorari. Appeal.*~~ *Appeal.* If an applicant or permittee whose permit has been denied or revoked is dissatisfied with the decision of the zoning board of appeals, that person may file an appeal by petition for review to the Superior Court of DeKalb County ~~by writ of certiorari~~ as provided by law.

**SECTION NINE**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION TEN**

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

**SECTION ELEVEN**

This ordinance shall become effective immediately upon adoption.

SO ORDAINED, this 12th day of August 2024.

Approved:

\_\_\_\_\_  
Frank Auman, Mayor  
City of Tucker

ATTEST:

\_\_\_\_\_  
Bonnie Warne, City Clerk

[SEAL]



## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Ken Hildebrandt, City Engineer  
**CC:** John McHenry, City Manager  
**Date:** July 8, 2024  
**RE:** Memo for Contract C2022-018-TO18-PO25-775 Award for Idlewood Road Sidewalk Design

---

**Contract/Document Number:** Contract C2022-018-TO18-PO25-775

### **Description for on the Agenda:**

- Consideration of a Task Order Contract Award for Idlewood Road Sidewalk Design

### **Issue:**

Contract C2022-018-TO18-PO25-775 Award for Idlewood Road Sidewalk Design

### **Recommendation:**

Staff recommends that Task Order #18 be awarded to Falcon Design in the amount of \$65,660.

### **Background:**

This sidewalk gap was identified in the Transportation Master Plan and the North/South Connectivity Study.

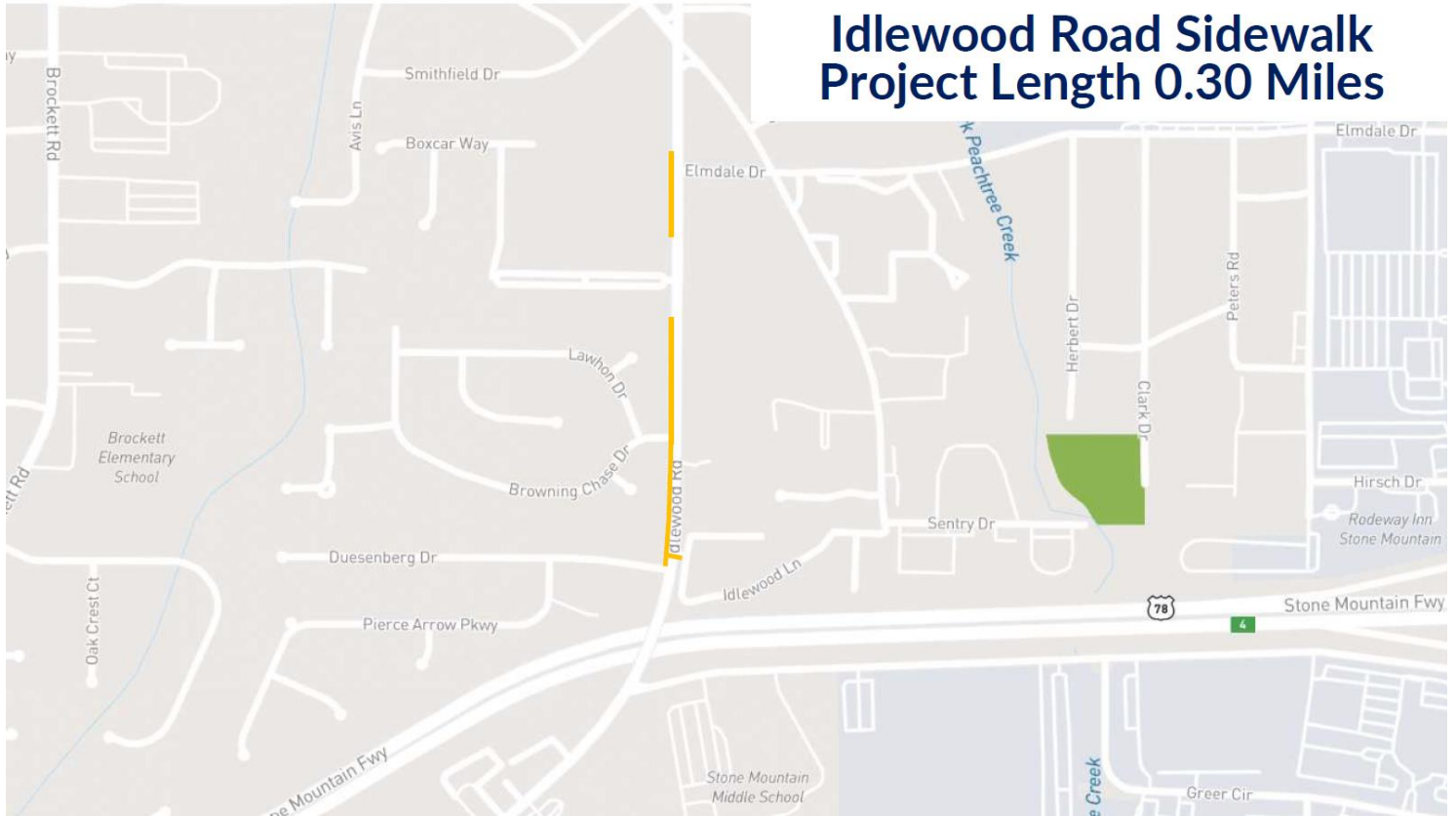
### **Summary:**

Sidewalks will be designed for the west side of Idlewood Road from Elmdale Drive to Duesenberg Drive.

### **Financial Impact:**

\$65,660 will be funded from the SPLOST sidewalk account (CE2421; GL #321-4224-54.14005).

# Idlewood Road Sidewalk Project Length 0.30 Miles







**PROFESSIONAL ENGINEERING SERVICES  
CONTRACT AGREEMENT (RFQ #2022-018)  
TASK ORDER #18  
IDLEWOOD ROAD SIDEWALK DESIGN**

This TASK ORDER between the parties is entered pursuant to the CONTRACT AGREEMENT (RFQ #2022-018) and shall serve as authorization by the City of Tucker to FALCON DESIGN CONSULTANTS LLC (“CONSULTANT”) to perform the services described herein pursuant to the terms and conditions, mutual covenants and promises provided herein and in the CONTRACT AGREEMENT (RFQ #2022-018). Now therefore, the parties agree as follows:

**Location of Project:**

West side of Idlewood Road between Freight Street to Elmdale Drive and from Freight Street to Dresenberg Drive.

**Description of Services:** The services to be performed by the CONSULTANT pursuant to this TASK ORDER (the “WORK”), include, but are not limited to, the following, as detailed in the Scope of Work:

- Task A: Utility Location
- Task B: Survey Database Preparation
- Task C: Construction Drawings
- Task D: Stormwater Linear Feasibility Report Report
- Task E: Contract Documents and Technical Specifications

Details of the tasks can be found in Exhibit A.

**CONSULTANT Deliverables to CITY**

- All electronic documents, project files, cad files, electronic files, and permits associated with this project as specified per Exhibit A – SCOPE OF WORK.

**Design Specifications and Guidelines:** This work shall be performed on an hourly basis utilizing the previously approved rates from RFQ #2022-018 with a Not to Exceed amount as follows:

<b>Total Not to Exceed Fee</b>	<b><u>\$ 65,660.00</u></b>
--------------------------------	----------------------------

This TASK ORDER is subject to the terms and conditions of the original CONTRACT AGREEMENT (RFQ #2022-018) as well as the mutual covenants contained herein.

**General Scope of Service:** The WORK under this TASK ORDER is to be commenced upon receipt of “Notice to Proceed” (NTP). The WORK shall be completed within 120 calendar days after Notice to Proceed.

The CONSULTANT shall prepare a schedule showing milestone completion dates based on completing the WORK within 30 calendar days of this TASK ORDER (hereinafter referred to as the “Schedule for Completion”), excluding City review time. The Schedule for Completion shall be revised to reflect the actual NTP date and shall be updated as required throughout the project duration.

Every 30 days commencing with the execution of this TASK ORDER, the CONSULTANT shall submit a report which shall include, but not be limited to, a narrative describing actual work accomplished during the reporting period, a description of problem areas, current and anticipated delaying factors and their impact, explanations of corrective actions taken or planned, and any newly planned activities or changes in sequence (hereinafter referred to as “Narrative Report”). Such report shall also include an indication of the number of hours of work completed by CONSULTANT in each of the job rate categories included in the CONTRACT AGREEMENT (RFQ #2022-018). No invoice for payment shall be submitted and no payment whatsoever will be made to the CONSULTANT until the Schedule for Completion, and the completion of Narrative Reports are updated and submitted to the City. In no event shall payment be made more often than once every 30 days.

The CONSULTANT shall coordinate and attend periodic meetings with the CITY regarding the status of the TASK ORDER. The CONSULTANT shall submit transmittals of all correspondence, telephone conversations, and minutes of project meetings.

The CONSULTANT shall complete all of the pre-construction activities for the TASK ORDER as part of the WORK. The pre-construction activities shall be completed in accordance with applicable local codes and ordinances, the applicable guidelines of the American Association of State Highway and Transportation Officials (AASHTO), current edition, the GDOT’s Standard Specifications Construction of Roads and Bridges, current edition, the Manual on Uniform Traffic Control Devices (MUTCD), current edition, TASK ORDER schedules, and applicable guidelines of the Georgia Department of Transportation.

The CONSULTANT agrees that all reports, plans, drawings, studies, specifications, estimates, maps, computations, computer diskettes and printouts and any other data prepared under the terms of this TASK ORDER shall become the property of the City. This data shall be organized, indexed, bound and delivered to the City no later than the advertisement of the PROJECT for letting. The City shall have the right to use this material without restriction or limitation and without compensation to the CONSULTANT.

The CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of interpreting all designs, drawings, specifications, and other services furnished by or on behalf of the City pursuant to this TASK ORDER. The CONSULTANT shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the designs, drawings, specifications, and other services furnished for this TASK ORDER. All revisions shall be coordinated with the CITY prior to issuance. The CONSULTANT shall also be responsible for any claim, damage, loss or expense resulting from the incorrect interpretation of the provided designs, drawings, and specifications pursuant to this TASK ORDER.

For each “Phase” enumerated in “Design Specifications and Guidelines,” the fees shall be paid

for such phase as provided however, CONSULTANT agrees that fees are earned pursuant to the WORK performed, which in no event shall exceed the amount set forth in the attached Fee Schedule and which hourly rate shall in no event exceed that provided in the Contract Agreement. Accordingly, invoices shall be submitted pursuant to completion of the Work performed based upon percentage completion of the relevant Phase.

If the City in good faith determines that the CONSULTANT has failed to perform or deliver any service or product as required, the CONSULTANT shall not be entitled to any compensation under the Contract until such service or product is performed or delivered. In this event, the City may withhold that portion of the CONSULTANT’S compensation which represents payment for services or products that were not performed or delivered. To the extent that the CONSULTANT’S failure to perform or deliver in a timely manner causes the City to incur costs, the City may deduct the amount of such incurred costs from any amounts payable to CONSULTANT. The City's authority to deduct such incurred costs shall not in any way affect the City's authority to terminate the Contract. In the event that the CONSULTANT owes the City any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the City may set off the sum owed to the City against any sum owed by the City to the CONSULTANT in the City's sole discretion.

**Attachments:**

- EXHIBIT A – SCOPE OF WORK and COST PROPOSAL (in accordance with rates established in RFP 2022-018)
- EXHIBIT B – HOURLY COST PROPOSAL

CITY OF TUCKER:

CONSULTANT: FALCON DESIGN CONSULTANTS, LLC.

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Bonnie Warne, City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
Ted Baggett, City Attorney





## Task Order 2024.02

To: City of Tucker  
1975 Lakeside Parkway; Suite 350  
Tucker, GA 30084  
Attn: Mr. Ken Hildebrant, P.E., PTOE

Date: June 20, 2024

From: Falcon Design Consultants, LLC

Project: **Idlewood Road Sidewalk**

### Background Information

*Falcon Design Consultants, LLC (FDC)* has prepared this proposal to assist the City of Tucker, Georgia with the survey and design of sidewalk along the western side of Idlewood Road from the existing sidewalk north of Freight Street to Elmdale Drive (~364 LF) and from the existing sidewalk south of Freight Street to the north side of Dresenberg Drive (~1,100 LF). The goal of this project is to provide the City with all components required to construct the new sidewalk as outlined. The base design criteria is a 6' wide pedestrian sidewalk with 2' grassed beauty strip where feasible. Curb and gutter along with drainage will be added where required. The project will include all tasks listed below:

### Survey:

#### Task – A. Utility Location

- Provide complete location of public and private utilities within the project limits.
- Provide Subsurface Utility Engineering (SUE) to determine utility types, sizes, and in place depths within the project limits.
- Generate a complete existing utility base map showing utility connectivity for inclusion into the survey and design data.

#### Task – B. Survey Database Preparation

- Establish Survey Control with GA State Plane coordinates.
- Field-run topographic survey for the project corridor. Data collected shall be sufficient for a 1-foot contour interval.
- Field survey visible planimetric features including existing edge of pavement, centerline of road, curb and gutter, signs, etc.
- Field survey existing storm drainage systems (types, sizes, inverts, and end treatments) located within the survey corridor.
- Field survey for front property evidence.
- Survey above ground utility features including poles, risers, boxes, valves, manholes, etc.
- Depict utility pole connectivity.
- Depict sanitary sewer and storm drain connectivity.

### Design:

#### Task – C. Construction Drawings

- Provide Construction Plans. These plans include the following:
  - Baseline plans showing existing conditions with property lines, utilities, stormwater and existing traffic signage and striping.

- Typical sections: 6' sidewalk with a 2' landscape strip where feasible.
- Driveway profiles.
- Utility plans based on visible utilities, "call before you dig" markings, and utility company submittals.
- Erosion Control Plans and associated details. Note that if the disturbed area exceeds one acre, a three-phase erosion control plan must be submitted and approved by the Georgia Soil and Water Conservation Commission.
- Longitudinal drainage design including flow rate and gutter spread calculations.
- Retaining wall plans, if required.
- Complete set of plans for right-of-way and property acquisition with individual exhibits and legal descriptions suitable for use by the City's Attorney.
- Provide limits of cut/fill and required right-of-way and/or easements necessary to construct the project.
- Provide survey plats for required easement/right-of-way acquisitions.
- Prepare a final quantity take-off (included in the plan set) and develop an Opinion of Construction Costs estimate.
- Prepare a linear feasibility report for post-construction BMP compliance.
- Gutter spread calculations.
- Submit an electronic plan set to the City of Tucker for review and comment.
- Address City review comments and issue Final Construction Plans in pdf format.
- 30% and 90% review meetings.

#### **Task – D. Stormwater Linear Feasibility Report**

- Full report meeting City of Tucker's Stormwater Feasibility Program for Linear Transportation Projects.

#### **Bid Assistance:**

#### **Task – E. Contract Documents and Technical Specifications**

- Prepare Contract Documents and Technical Specifications for the project suitable for bidding by the City's Procurement Department.
- Assist the City's Procurement Department with conducting a Pre-Bid meeting for the project.
- Assist the City's Procurement Department with responses to written questions for the project.
- Assist the City's Procurement Department with developing project addendums, as required.
- Assist the City's Procurement Department with bid opening.
- Develop a Bid Tabulation sheet for the project.
- Assist the City's Procurement Department with issuing the contract.
- Review bidder's references and provide recommendation of award to the City as requested by the City's Procurement Department.

#### **Construction Assistance:**

#### **Task – F. Construction Management**

- Conduct a formal project Preconstruction Conference.
- Meet with Owner and Contractor for progress meetings as necessary and develop meeting minutes as required for project documentation.

- Coordinate all design intent issues regarding Contract Drawings and Technical Specifications.
- Conduct reviews of construction activity as required for compliance with Contract Drawings and Technical Specifications, construction standards, current schedule, and equipment testing and training.
- Maintain periodic photographic records for construction activities observed during on-site visits.
- Development of a project Submittal Log and assist as needed with submittal distribution to the appropriate review professional and assist in maintaining the required schedule for all submissions.
- Development a project RFI Log and assist with the coordination of responses for all questions, distributing to the appropriate professional and maintaining the required schedule for all responses.
- Review and make recommendations for payment of all pay applications and coordinate with the Owner all Change Order requests.
- Provide Value Engineering Analysis as required for project components related to cost and time savings.
- Development of project Punch Lists in accordance with the Contract Documents.
- Provide verification of milestone documentation for Substantial Completion and Final Completion of the project.

**Fee Estimate**

The budget below includes staff time and expenses necessary to perform the scope of work outlined above. This budget is for the scope of work referenced above.

<u>Idlewood Road Sidewalk:</u>	<u>Estimated Budget</u>
A. Utility Location	<b>\$2,300.00</b>
B. Survey Database Preparation	<b>\$14,560.00</b>
C. Construction Drawings	<b>\$34,180.00</b>
D. Linear Feasibility Report	<b>\$7,080.00</b>
E. Contract Documents and Technical Specifications	<b>\$7,540.00</b>
	<b>Sub Total: <u>\$65,660.00</u></b>
<b>F. Construction Management</b>	<b>3% of Total Construction Cost</b>

Additional services, which are not included in this task order as defined by the scope of work, will be treated as extra work. The Owner will be given notice of any additional services requested by the Owner’s Staff to complete the project.



## Idlewood Road Task Order Hourly Breakdown

### Utility Location

Sub-consultant		<u>Total</u>	<u>\$2,300</u>
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### Survey Database Preparation

	<u>Rate</u>	<u>Hours</u>	<u>Cost</u>
Senior Survey Project Manager III	\$140	12	\$1,680
Survey Project Manager II	\$100	32	\$3,200
Survey Technician I	\$75	20	\$1,500
2-Man Survey Field Crew	\$165	40	\$6,600
1-Man Lidar Drone	\$160	8	\$1,280
Administrative	\$75	4	\$300

		<u>Total</u>	<u>\$14,560</u>
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### Construction Drawings

	<u>Rate</u>	<u>Hours</u>	<u>Cost</u>
Managing Partner	\$175	4	\$700
Engineering Manager	\$150	52	\$7,800
Senior Project Manager I	\$120	56	\$6,720
Project Engineer II	\$90	84	\$7,560
CADD III	\$90	120	\$10,800
Administrative	\$75	8	\$600

		<u>Total</u>	<u>\$34,180</u>
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### Linear Feasibility Report

	<u>Rate</u>	<u>Hours</u>	<u>Cost</u>
Engineering Manager	\$150	8	\$1,200
Senior Project Manager I	\$120	34	\$4,080
Project Engineer II	\$90	12	\$1,080
CADD III	\$90	8	\$720

		<u>Total</u>	<u>\$7,080</u>
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### Contract Documents and Specifications

	<u>Rate</u>	<u>Hours</u>	<u>Cost</u>
Senior Construction Manager	\$130	58	\$7,540

		<u>Total</u>	<u>\$7,540</u>
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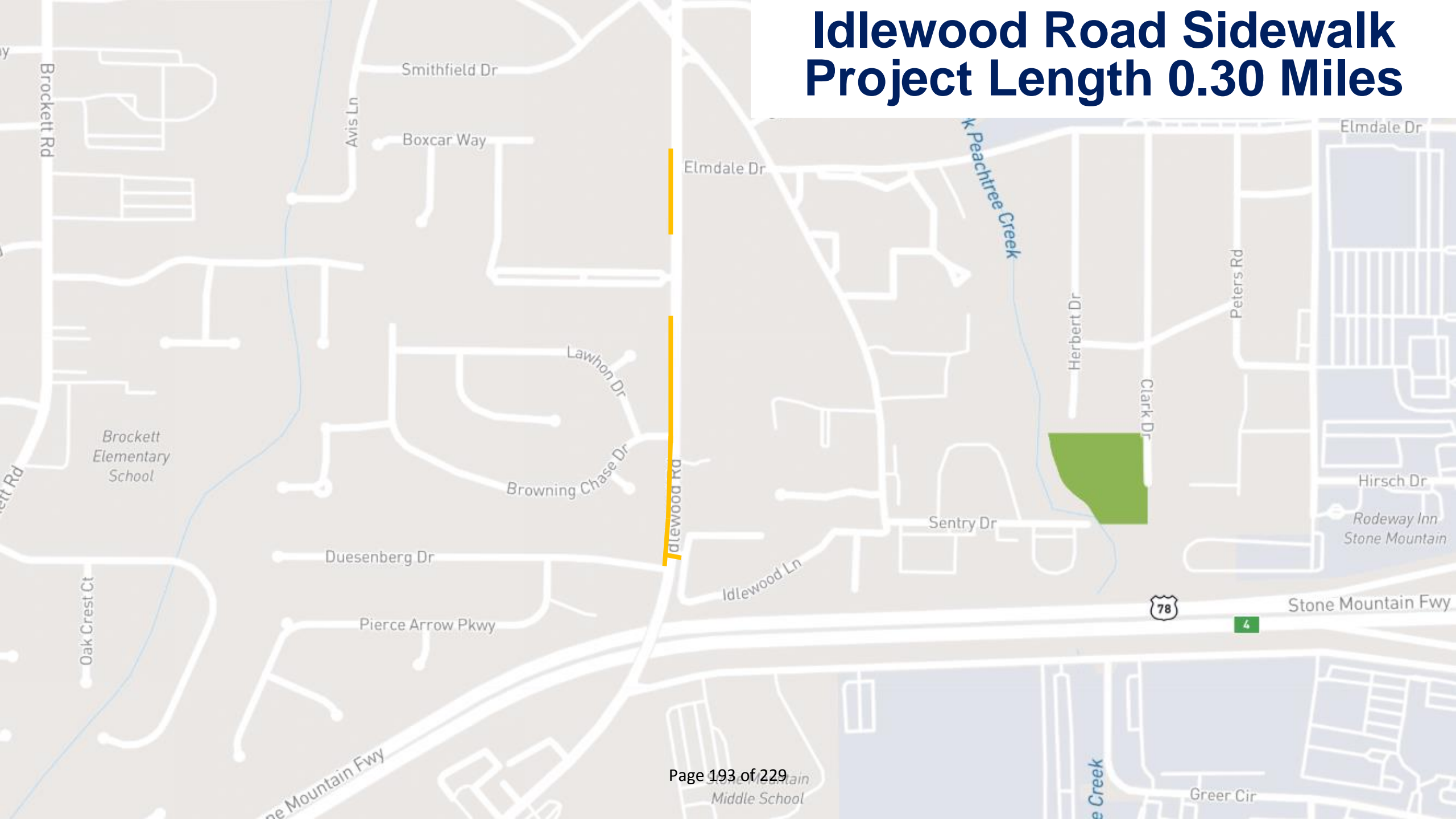
### Grand Total

			<u>\$65,660</u>
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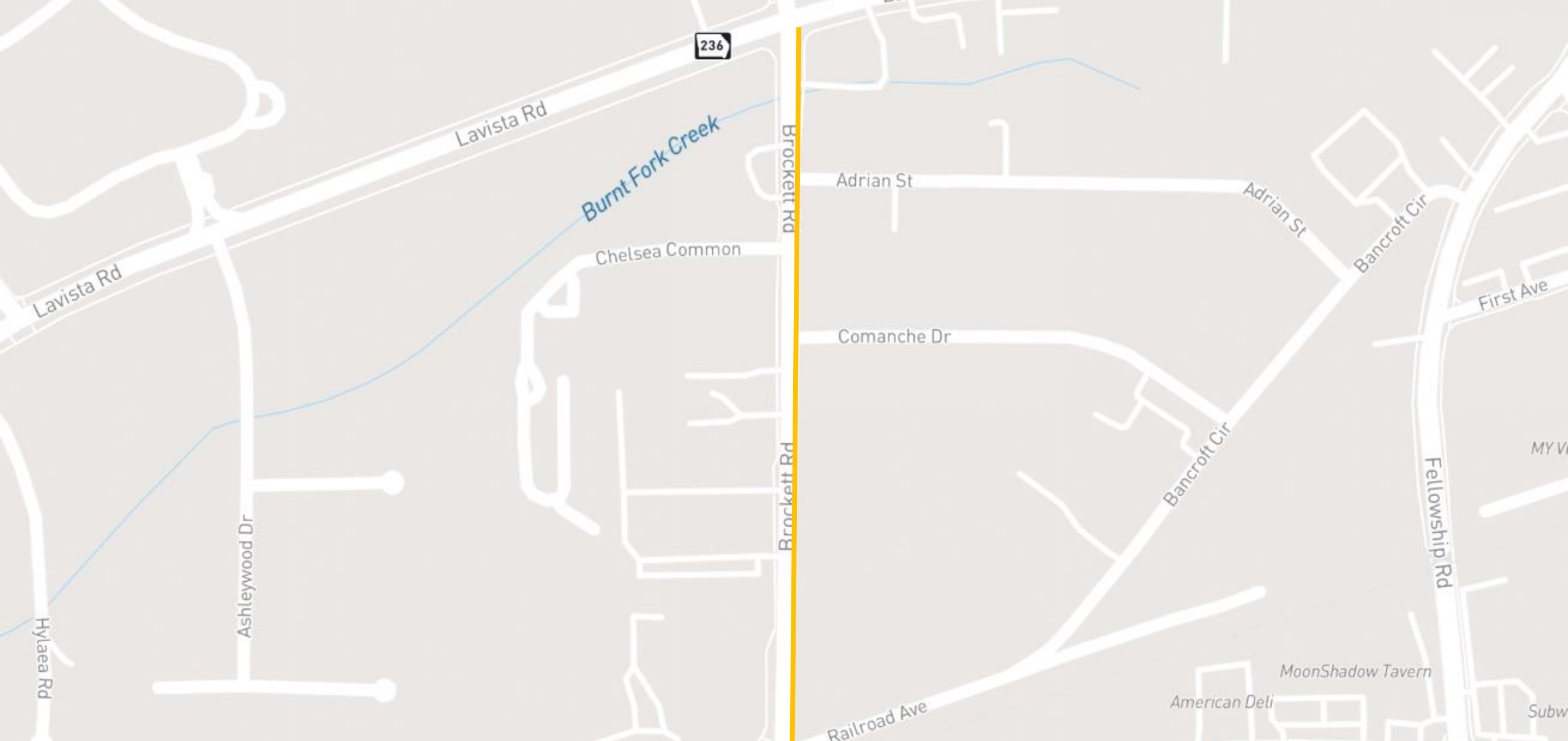
# ***SIDEWALK PROJECT DESIGNS***



# Idlewood Road Sidewalk Project Length 0.30 Miles

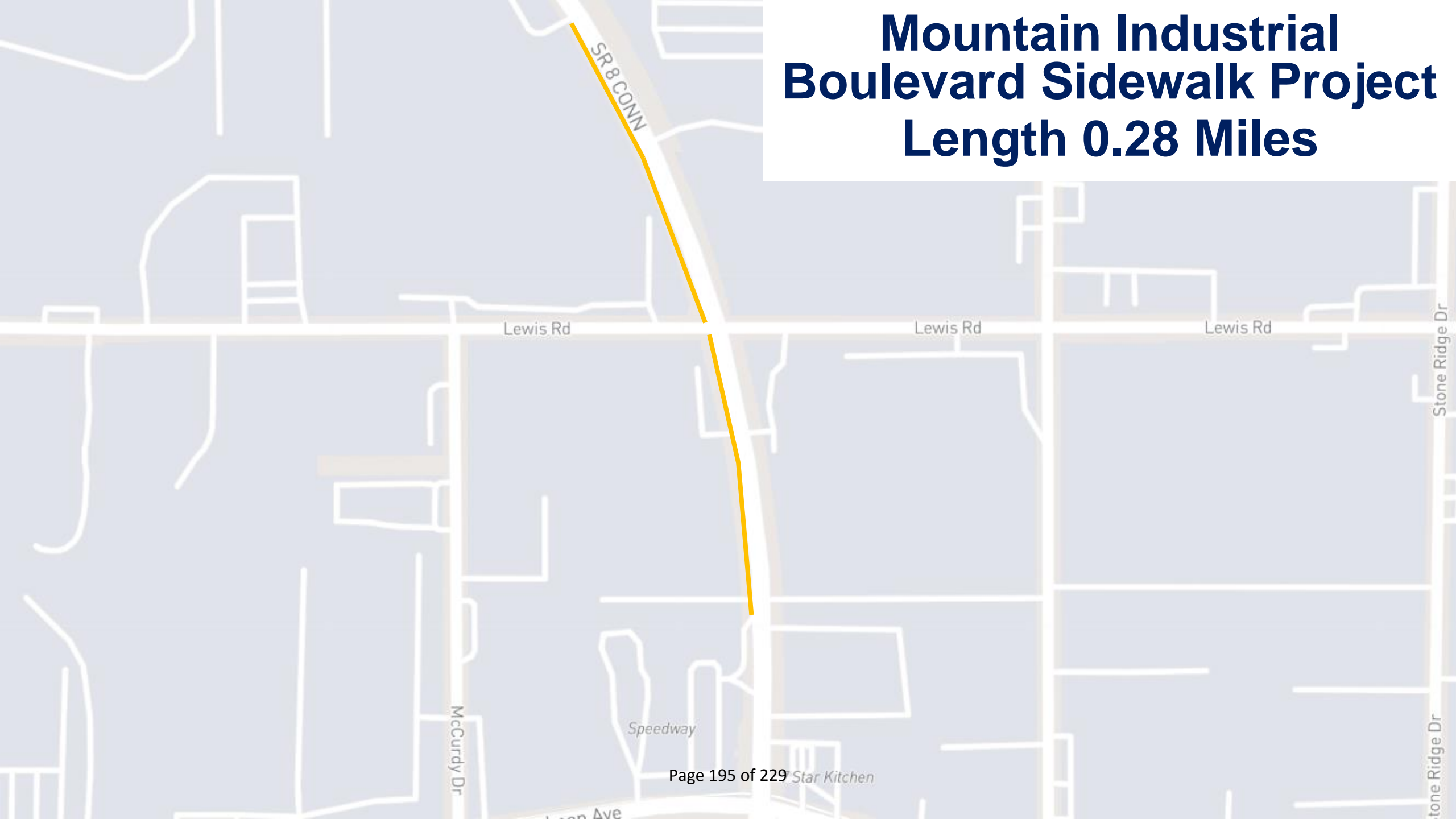






# **Brockett Road Sidewalk Project Length 0.30 Miles**

# Mountain Industrial Boulevard Sidewalk Project Length 0.28 Miles



Lewis Rd

Lewis Rd

Lewis Rd

Stone Ridge Dr

McCurdy Dr

Speedway

Stone Ridge Dr



## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Ken Hildebrandt, City Engineer  
**CC:** John McHenry, City Manager  
**Date:** July 8, 2024  
**RE:** Memo for Contract C2022-018-TO19-PO25-776 Award for Sidewalk Design on Brockett Road

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**Contract/Document Number:** Contract C2022-018-TO19-PO25-776

### Description for on the Agenda:

- Consideration of a Task Order Contract Award for Sidewalk Design on Brockett Road

### Issue:

Contract C2022-018-TO19-PO25-776 Award for Sidewalk Design on Brockett Road

### Recommendation:

Staff recommends that Task Order #19 be awarded to Atlas Technical Consultants in the amount of \$94,915.

### Background:

This sidewalk gap was identified in the Transportation Master Plan.

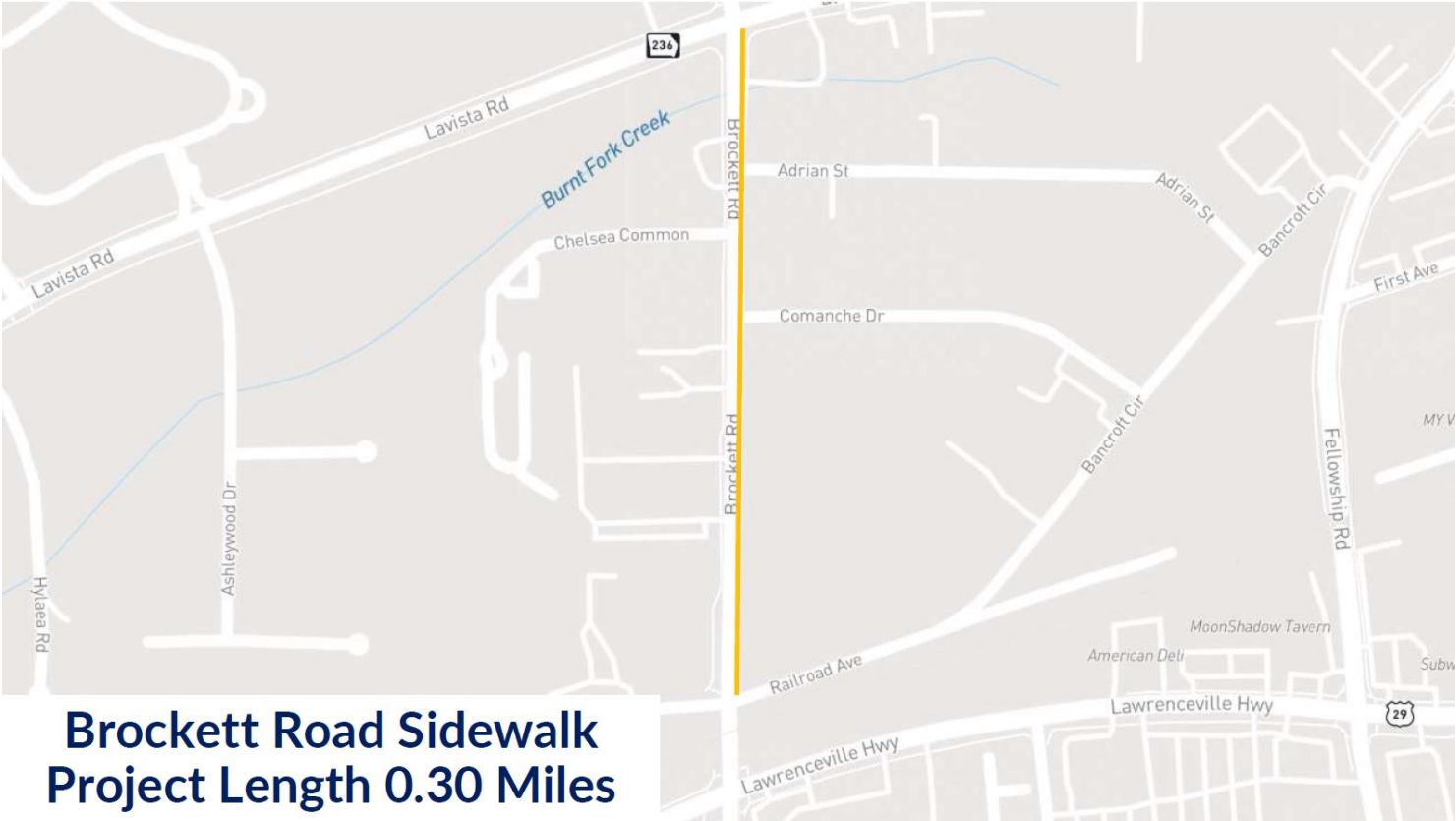
### Summary:

Sidewalk will be designed on the east side of Brockett Road from Comanche Drive to Railroad Avenue. This will include the analysis and remediation of storm drainage. Additionally, ADA accessibility will be evaluated from Comanche Drive to Lavista Road.

### Financial Impact:

\$94,6915 will be funded from the SPLOST sidewalk account (CE2420; GL #321-4224-54.14005).





**Brockett Road Sidewalk  
Project Length 0.30 Miles**



**PROFESSIONAL ENGINEERING SERVICES  
CONTRACT AGREEMENT (RFQ #2022-018)  
TASK ORDER #19  
BROCKETT ROAD SIDEWALK DESIGN**

This TASK ORDER between the parties is entered pursuant to the CONTRACT AGREEMENT (RFQ #2022-018) and shall serve as authorization by the City of Tucker to ATLAS TECHNICAL CONSULTANTS, LLC (“CONSULTANT”) to perform the services described herein pursuant to the terms and conditions, mutual covenants and promises provided herein and in the CONTRACT AGREEMENT (RFQ #2022-018). Now therefore, the parties agree as follows:

**Location of Project:**

East side of Brockett Road from Railroad Avenue to Camanche Drive

**Description of Services:** The services to be performed by the CONSULTANT pursuant to this TASK ORDER (the “WORK”), include, but are not limited to, the following, as detailed in the Scope of Work:

Task A: Survey Database

Task B: Construction Plans

Details of the tasks can be found in Exhibit A.

**CONSULTANT Deliverables to CITY**

- All electronic documents, project files, cad files, electronic files, and permits associated with this project as specified per Exhibit A – SCOPE OF WORK.

**Design Specifications and Guidelines:** This work shall be performed on an hourly basis utilizing the previously approved rates from RFQ #2022-018 with a Not to Exceed amount as follows:

<b>Total Not to Exceed Fee</b>	<b><u>\$ 94,915.00</u></b>
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This TASK ORDER is subject to the terms and conditions of the original CONTRACT AGREEMENT (RFQ #2022-018) as well as the mutual covenants contained herein.

**General Scope of Service:** The WORK under this TASK ORDER is to be commenced upon receipt of “Notice to Proceed” (NTP). The WORK shall be completed within 120 calendar days after Notice to Proceed.

The CONSULTANT shall prepare a schedule showing milestone completion dates based on completing the WORK within 30 calendar days of this TASK ORDER (hereinafter referred to as the “Schedule for Completion”), excluding City review time. The Schedule for Completion shall

be revised to reflect the actual NTP date and shall be updated as required throughout the project duration.

Every 30 days commencing with the execution of this TASK ORDER, the CONSULTANT shall submit a report which shall include, but not be limited to, a narrative describing actual work accomplished during the reporting period, a description of problem areas, current and anticipated delaying factors and their impact, explanations of corrective actions taken or planned, and any newly planned activities or changes in sequence (hereinafter referred to as "Narrative Report"). Such report shall also include an indication of the number of hours of work completed by CONSULTANT in each of the job rate categories included in the CONTRACT AGREEMENT (RFQ #2022-018). No invoice for payment shall be submitted and no payment whatsoever will be made to the CONSULTANT until the Schedule for Completion, and the completion of Narrative Reports are updated and submitted to the City. In no event shall payment be made more often than once every 30 days.

The CONSULTANT shall coordinate and attend periodic meetings with the CITY regarding the status of the TASK ORDER. The CONSULTANT shall submit transmittals of all correspondence, telephone conversations, and minutes of project meetings.

The CONSULTANT shall complete all of the pre-construction activities for the TASK ORDER as part of the WORK. The pre-construction activities shall be completed in accordance with applicable local codes and ordinances, the applicable guidelines of the American Association of State Highway and Transportation Officials (AASHTO), current edition, the GDOT's Standard Specifications Construction of Roads and Bridges, current edition, the Manual on Uniform Traffic Control Devices (MUTCD), current edition, TASK ORDER schedules, and applicable guidelines of the Georgia Department of Transportation.

The CONSULTANT agrees that all reports, plans, drawings, studies, specifications, estimates, maps, computations, computer diskettes and printouts and any other data prepared under the terms of this TASK ORDER shall become the property of the City. This data shall be organized, indexed, bound and delivered to the City no later than the advertisement of the PROJECT for letting. The City shall have the right to use this material without restriction or limitation and without compensation to the CONSULTANT.

The CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of interpreting all designs, drawings, specifications, and other services furnished by or on behalf of the City pursuant to this TASK ORDER. The CONSULTANT shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the designs, drawings, specifications, and other services furnished for this TASK ORDER. All revisions shall be coordinated with the CITY prior to issuance. The CONSULTANT shall also be responsible for any claim, damage, loss or expense resulting from the incorrect interpretation of the provided designs, drawings, and specifications pursuant to this TASK ORDER.

For each "Phase" enumerated in "Design Specifications and Guidelines," the fees shall be paid for such phase as provided however, CONSULTANT agrees that fees are earned pursuant to the WORK performed, which in no event shall exceed the amount set forth in the attached Fee Schedule and which hourly rate shall in no event exceed that provided in the Contract Agreement. Accordingly, invoices shall be submitted pursuant to completion of the Work performed based



upon percentage completion of the relevant Phase.

If the City in good faith determines that the CONSULTANT has failed to perform or deliver any service or product as required, the CONSULTANT shall not be entitled to any compensation under the Contract until such service or product is performed or delivered. In this event, the City may withhold that portion of the CONSULTANT’S compensation which represents payment for services or products that were not performed or delivered. To the extent that the CONSULTANT’S failure to perform or deliver in a timely manner causes the City to incur costs, the City may deduct the amount of such incurred costs from any amounts payable to CONSULTANT. The City's authority to deduct such incurred costs shall not in any way affect the City's authority to terminate the Contract. In the event that the CONSULTANT owes the City any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the City may set off the sum owed to the City against any sum owed by the City to the CONSULTANT in the City's sole discretion.

**Attachments:**

- EXHIBIT A – SCOPE OF WORK and COST PROPOSAL (in accordance with rates established in RFP 2022-018)

CITY OF TUCKER:

CONSULTANT: ATLAS TECHNICAL CONSULTANTS, LLC

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Bonnie Warne, City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
Ted Baggett, City Attorney

## Scope of Work

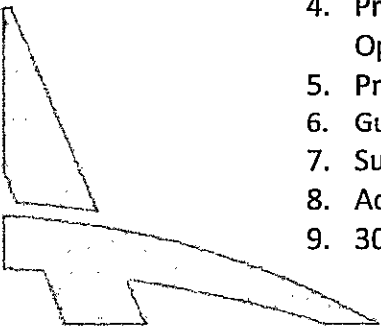
Atlas will provide professional engineering, survey, and SUE services to develop construction documents for the addition of a sidewalk on the east side of Brockett Road from Railroad Avenue to Camanche Drive. In addition, Atlas will perform an ADA compliance evaluation of the existing sidewalk along the east side of Brockett Road from Camanche Drive to Lavista Road. This evaluation memo will include recommendations for upgrading the existing sidewalk to meet ADA requirements.

### A. Survey Database

1. Establish Survey Control.
2. Field-run topographic survey for the project corridor. Data collected shall be sufficient for a 1-foot contour interval.
3. Field survey visible planimetric features including existing edge of pavement, centerline of road, curb and gutter, signs, etc.
4. Field survey existing storm drainage systems (types, sizes, inverts, and end treatments) located within the survey corridor.
5. Field survey for front property evidence.
6. Survey above ground utility features including poles, risers, boxes, valves, manholes, etc.
7. Depict utility pole connectivity.
8. Depict sanitary sewer and storm drain connectivity.
9. Provide SUE Level B survey and database.

### B. Construction Plans

1. Provide Construction Plans. These plans include the following:
  - a. Typical sections: 6' sidewalk with 2' landscape strip where feasible
  - b. Driveway profiles
  - c. Utility Plans based on visible utilities, "call before you dig" markings, and utility company submittals.
  - d. Erosion Control Plans and associated details. Note that if the disturbed area exceeds one acre, a three-phase erosion control plan must be submitted and approved by the Georgia Soil & Water Conservation Commission. *Assumption is disturbed area is less than one acre.*
  - e. Longitudinal drainage design including flow rate and gutter spread calculations.
  - f. Retaining wall plans if required.
2. Provide limits of cut/fill and required right-of-way and/or easements necessary to construct the project.
3. Provide survey plats for required easement/right-of-way acquisitions.
4. Prepare a final quantity take-off (included in the plan set) and develop an Opinion of Construction Costs estimate.
5. Prepare a linear feasibility report for post-construction BMP compliance.
6. Gutter spread calculations.
7. Submit an electronic plan set to the City of Tucker for review and comment.
8. Address City review comments and issue Final Construction Plans in pdf format.
9. 30% and 90% review meetings.



**Exclusions**

1. No Environmental permitting or mitigation is included in the proposal. If permitting or mitigation is needed, this will be considered additional work which will be provided & billed at contract rates.
2. No Right of Way staking is included in the proposal. If Right of Way staking is needed, this will be considered additional work which will be provided & billed at contract rates.

**Hours/Fee Proposal**

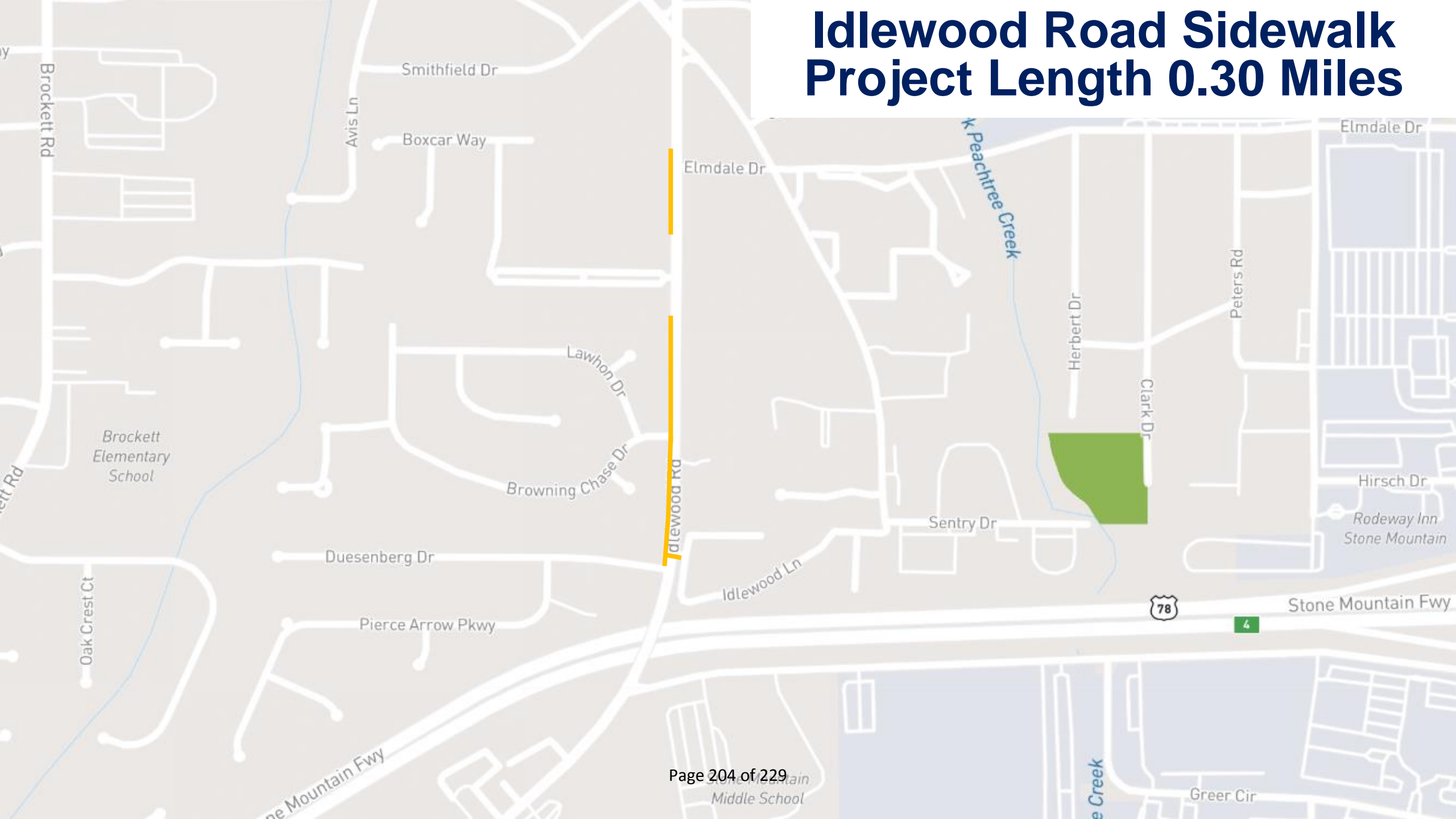
<b>1. Direct Labor (Specify)</b>				
<b>Personnel</b>	<b>Est Hours</b>	<b>Rate/Hr</b>	<b>Est. Cost (\$)</b>	<b>Totals</b>
<b>ROADWAY</b>				
Principal	8	\$250.00	\$2,000.00	
Project Manager	60	\$185.00	\$11,100.00	
Sr. Roadway Engineer	178	\$175.00	\$31,150.00	
Roadway Engineer	136	\$120.00	\$16,320.00	
Roadway Technician / CAD	76	\$80.00	\$6,080.00	
Sr. Traffic Engineer	16	\$185.00	\$2,960.00	
Traffic Engineer	32	\$120.00	\$3,840.00	
Utility Engineer	53	\$125.00	\$6,625.00	
Survey Proj. Manager (RLS)	12	\$145.00	\$1,740.00	
Survey Technician	40	\$80.00	\$3,200.00	
Survey Crew (2 Man)	60	\$165.00	\$9,900.00	
<b>TOTAL</b>	<b>671</b>			<b>\$94,915.00</b>
<b>Total Direct Labor</b>				<b>\$94,915.00</b>
<b>2. Other Direct Costs (Specify)</b>				
Travel/Mileage/Lodging/Meals				
<b>Total Other Direct Costs</b>				
<b>3. Maximum Amount of Contract Proposal (1) + (2)</b>				<b>\$94,915.00</b>



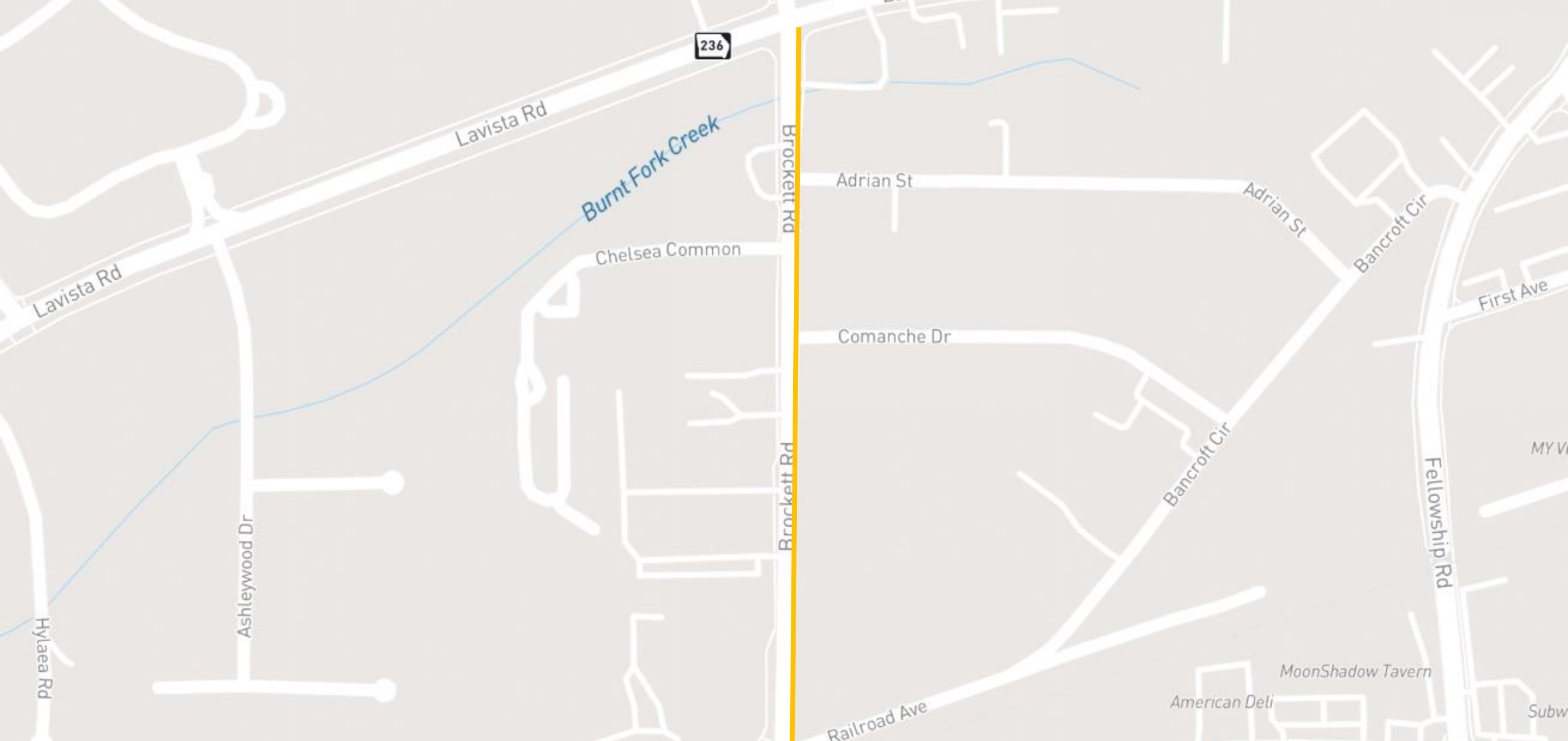
# ***SIDEWALK PROJECT DESIGNS***



# Idlewood Road Sidewalk Project Length 0.30 Miles



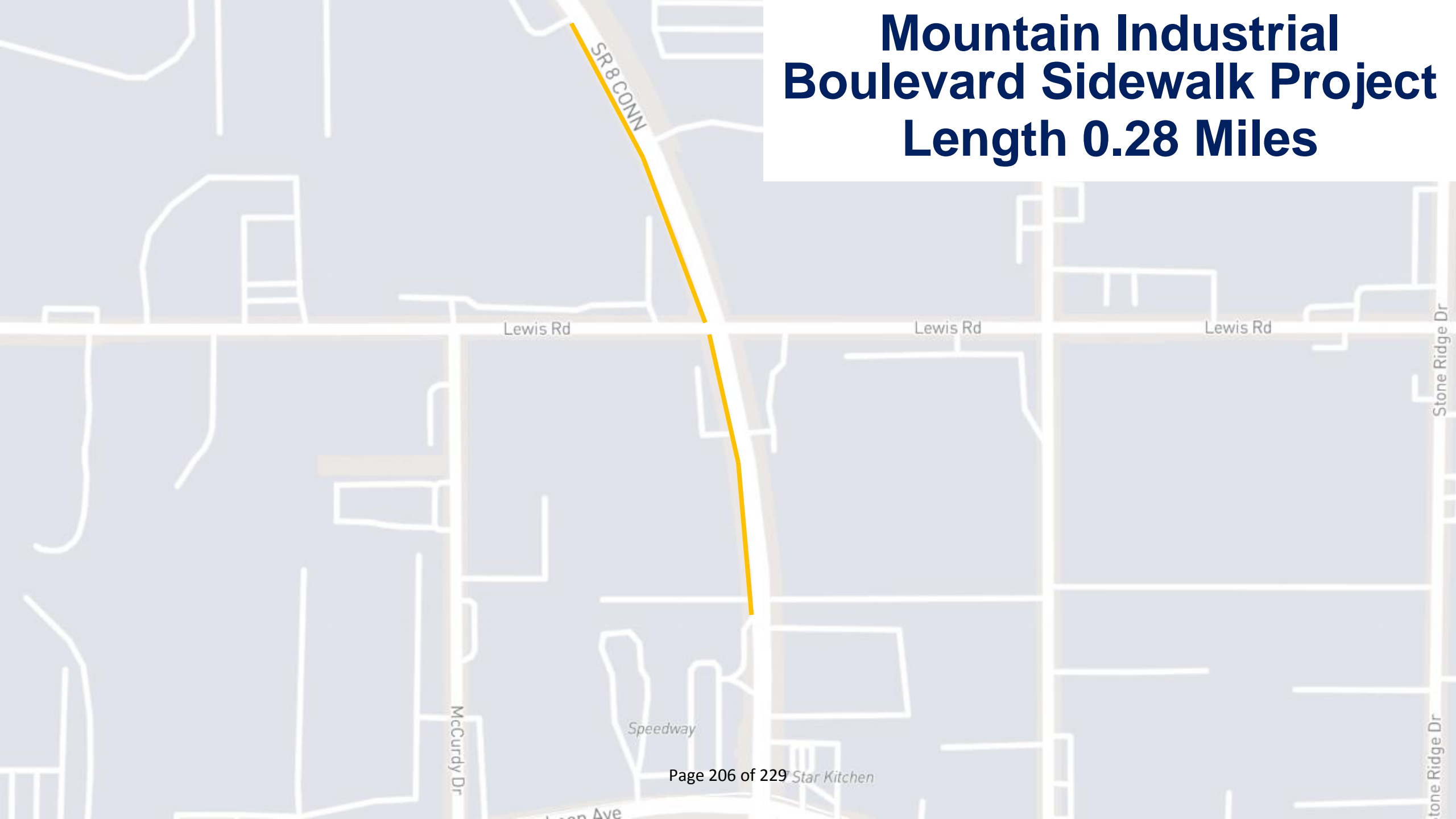




# **Brockett Road Sidewalk Project Length 0.30 Miles**



# Mountain Industrial Boulevard Sidewalk Project Length 0.28 Miles





## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Ken Hildebrandt, City Engineer  
**CC:** John McHenry, City Manager  
**Date:** July 8, 2024  
**RE:** Memo for Contract C2022-018-TO20-PO25-777 Award for Mountain Industrial Boulevard Sidewalk Design

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**Contract/Document Number:** Contract C2022-018-TO20-PO25-777

### Description for on the Agenda:

- Consideration of a Task Order Contract Award for Mountain Industrial Boulevard Sidewalk Design

### Issue:

Contract C2022-018-TO20-PO25-777 Award for Mountain Industrial Boulevard Sidewalk Design

### Recommendation:

Staff recommends that Task Order #20 be awarded to Kaizen Collaborative in the amount of \$63,500.

### Background:

This sidewalk gap was identified in the Transportation Master Plan and in the Tucker Summit CID Freight Cluster Plan. This is an active MARTA bus route. The Tucker Summit Community Improvement District has indicated that they would pay for 50% of the design cost and 25% of the construction cost.

### Summary:

Sidewalk will be designed on the west side of Mountain Industrial Boulevard from the Popeye's (south of Greer Circle) to the Speedway (north of E Ponce de Leon Avenue).

### Financial Impact:

\$63,500 will be funded from the SPLOST sidewalk account (CE2422; GL #321-4224-54.14005).

# Mountain Industrial Boulevard Sidewalk Project Length 0.28 Miles







# City of Tucker

## PROFESSIONAL ENGINEERING SERVICES CONTRACT AGREEMENT (RFQ #2022-018) TASK ORDER #20

### MOUNTAIN INDUSTRIAL BOULEVARD SIDEWALK DESIGN

This TASK ORDER between the parties is entered pursuant to the CONTRACT AGREEMENT (RFQ #2022-018) and shall serve as authorization by the City of Tucker to KAIZEN COLLABORATIVE (“CONSULTANT”) to perform the services described herein pursuant to the terms and conditions, mutual covenants and promises provided herein and in the CONTRACT AGREEMENT (RFQ #2022-018). Now therefore, the parties agree as follows:

#### **Location of Project:**

1690 Mountain Industrial Boulevard to 5448 E Ponce De Leon Avenue, west side.

**Description of Services:** The services to be performed by the CONSULTANT pursuant to this TASK ORDER (the “WORK”), include, but are not limited to, the following, as detailed in the Scope of Work:

- Surveying Services, Easement Plats and Legals
- Development and Construction Documents
- Permit Coordination
- Bid Assistance
- Construction Administration

Details of the tasks can be found in Exhibit A.

#### **CONSULTANT Deliverables to CITY**

- All electronic documents, project files, cad files, electronic files, and permits associated with this project as specified per Exhibit A – SCOPE OF WORK.

**Design Specifications and Guidelines:** This work shall be performed on an hourly basis utilizing the previously approved rates from RFQ #2022-018 with a Not to Exceed amount as follows:

**Total Not to Exceed Fee**

**\$ 63,500.00**

This TASK ORDER is subject to the terms and conditions of the original CONTRACT AGREEMENT (RFQ #2022-018) as well as the mutual covenants contained herein.

**General Scope of Service:** The WORK under this TASK ORDER is to be commenced upon receipt of “Notice to Proceed” (NTP). The WORK shall be completed within 120 calendar days after Notice to Proceed.

The CONSULTANT shall prepare a schedule showing milestone completion dates based on completing the WORK within 30 calendar days of this TASK ORDER (hereinafter referred to as the “Schedule for Completion”), excluding City review time. The Schedule for Completion shall be revised to reflect the actual NTP date and shall be updated as required throughout the project duration.

Every 30 days commencing with the execution of this TASK ORDER, the CONSULTANT shall submit a report which shall include, but not be limited to, a narrative describing actual work accomplished during the reporting period, a description of problem areas, current and anticipated delaying factors and their impact, explanations of corrective actions taken or planned, and any newly planned activities or changes in sequence (hereinafter referred to as “Narrative Report”). Such report shall also include an indication of the number of hours of work completed by CONSULTANT in each of the job rate categories included in the CONTRACT AGREEMENT (RFQ #2022-018). No invoice for payment shall be submitted and no payment whatsoever will be made to the CONSULTANT until the Schedule for Completion, and the completion of Narrative Reports are updated and submitted to the City. In no event shall payment be made more often than once every 30 days.

The CONSULTANT shall coordinate and attend periodic meetings with the CITY regarding the status of the TASK ORDER. The CONSULTANT shall submit transmittals of all correspondence, telephone conversations, and minutes of project meetings.

The CONSULTANT shall complete all of the pre-construction activities for the TASK ORDER as part of the WORK. The pre-construction activities shall be completed in accordance with applicable local codes and ordinances, the applicable guidelines of the American Association of State Highway and Transportation Officials (AASHTO), current edition, the GDOT’s Standard Specifications Construction of Roads and Bridges, current edition, the Manual on Uniform Traffic Control Devices (MUTCD), current edition, TASK ORDER schedules, and applicable guidelines of the Georgia Department of Transportation.

The CONSULTANT agrees that all reports, plans, drawings, studies, specifications, estimates, maps, computations, computer diskettes and printouts and any other data prepared under the terms of this TASK ORDER shall become the property of the City. This data shall be organized, indexed, bound and delivered to the City no later than the advertisement of the PROJECT for letting. The City shall have the right to use this material without restriction or limitation and without compensation to the CONSULTANT.

The CONSULTANT shall be responsible for the professional quality, technical accuracy, and coordination of interpreting all designs, drawings, specifications, and other services furnished by or on behalf of the City pursuant to this TASK ORDER. The CONSULTANT shall correct or revise, or cause to be corrected or revised, any errors or deficiencies in the designs, drawings, specifications, and other services furnished for this TASK ORDER. All revisions shall be coordinated with the CITY prior to issuance. The CONSULTANT shall also be responsible for any claim, damage, loss or expense resulting from the incorrect interpretation of the provided designs, drawings, and specifications pursuant to this TASK ORDER.

For each “Phase” enumerated in “Design Specifications and Guidelines,” the fees shall be paid

for such phase as provided however, CONSULTANT agrees that fees are earned pursuant to the WORK performed, which in no event shall exceed the amount set forth in the attached Fee Schedule and which hourly rate shall in no event exceed that provided in the Contract Agreement. Accordingly, invoices shall be submitted pursuant to completion of the Work performed based upon percentage completion of the relevant Phase.

If the City in good faith determines that the CONSULTANT has failed to perform or deliver any service or product as required, the CONSULTANT shall not be entitled to any compensation under the Contract until such service or product is performed or delivered. In this event, the City may withhold that portion of the CONSULTANT’S compensation which represents payment for services or products that were not performed or delivered. To the extent that the CONSULTANT’S failure to perform or deliver in a timely manner causes the City to incur costs, the City may deduct the amount of such incurred costs from any amounts payable to CONSULTANT. The City's authority to deduct such incurred costs shall not in any way affect the City's authority to terminate the Contract. In the event that the CONSULTANT owes the City any sum under the terms of the Contract, pursuant to any judgment, or pursuant to any law, the City may set off the sum owed to the City against any sum owed by the City to the CONSULTANT in the City's sole discretion.

**Attachments:**

- EXHIBIT A – SCOPE OF WORK and COST PROPOSAL (in accordance with rates established in RFP 2022-018)

CITY OF TUCKER:

CONSULTANT: KAIZEN  
COLLABORATIVE

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Bonnie Warne, City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
Ted Baggett, City Attorney



PROJECT SERVICES AGREEMENT

Proposal #: 24023

Project Name: Tucker Sidewalk – 5448 Mountain Industrial to Ponce De Leon Sidewalk Design
Location: City of Tucker, GA

Client: City of Tucker
1975 Lakeside Parkway Suite 350
Tucker, GA 30084
(770) 865-5645
Contact: Ken Hildebrandt, P.E., PTOE

Consultant: KAIZEN Collaborative Design, Inc.
2390 Main Street
Tucker, Georgia 30084
Contact: Chuck Abbott, PE

Date: June 24, 2024

Proposal Narrative:

KAIZEN Collaborative Design, Inc. (KAIZEN) is pleased to offer the following design contract for the sidewalk improvements along the west side of Mountain Industrial Boulevard, beginning at the end of the existing sidewalk at 1690 Mountain Industrial Boulevard and running to the end of the existing sidewalk at 5448 E Ponce de Leon Ave; as indicated in the graphic below. This site has a project area estimated to be 0.75+ acres and approximately 0.3 miles of sidewalk. KAIZEN will provide full professional services for survey, landscape architecture, engineering, permitting, creation of bid documents, and construction administration for the proposed project.

The scope of planning and engineering for the segments as outlined in the following scope, is based on our understanding of the project from the RFP 02192024 provided by the City of Tucker:

Project Location Map:



**Basic Project Programing (RFP 02192024)**

- a) Typical sections: 6’ sidewalk with 2’ landscape strip where feasible
- b) Driveway profiles
- c) Utility Plans based on visible utilities, “call before you dig” markings, and utility company submittals
- d) Erosion Control Plans and associated details. Note that if the disturbed area exceeds one acre, a three-phase erosion control plan must be submitted and approved by the Georgia Soil & Water Conservation Commission.
- e) Longitudinal drainage design including flow rate and gutter spread calculations.
- f) Retaining wall plans where required.

**PROPOSED SCOPE OF SERVICES:**

The City of Tucker will be responsible for the following within this scope of services:

- Facilitation of all design review meetings with City of Tucker, property owners, and/or public agencies having jurisdiction (as requested).
- Coordination with property owners for permission to access the project’s corridor for surveying, environmental delineations, and all design/engineering site walks.
- Facilitating any acquisition required for the project. KAIZEN will provide all Easement Plats and Legals.

The KAIZEN Design Team for the project:

- Design Team Lead / Landscape Architecture (*KAIZEN Collaborative Design, Inc.*)
- Survey Services (*GeoSurvey*)
- Civil Engineering / Flood Study (*KAIZEN Collaborative Design, Inc.*)
- Geotechnical Services (*Chattahoochee Consulting Group, Inc.*)

**TASK 1a – Surveying Services:**

Upon Notice to Proceed, the approved Surveyor from the KAIZEN Team will prepare all necessary survey documentation and provide to KCD and the City of Tucker a certified digital survey in both CAD and PDF formats. Items to be included are as follows:

- 1) Establish Survey Control.
- 2) Field-run topographic survey for the project corridor. Data collected shall be sufficient for a 1-foot contour interval.
- 3) Field survey visible planimetric features including existing edge of pavement, centerline of road, curb and gutter, signs, etc.
- 4) Field survey existing storm drainage systems (types, sizes, inverts, and end treatments) located within the survey corridor.
- 5) Field survey for front property evidence.
- 6) Survey above ground utility features including poles, risers, boxes, valves, manholes, etc.
- 7) Depict utility pole connectivity and survey all above ground utility items.
- 8) Depict sanitary sewer and storm drain connectivity with top and inverts and types and sizes.
- 9) 811 locate for underground utilities. Additional cost would apply for any private utility locate Storm lines and Sewer lines, including all structures and inverts, is included within current pricing.**

**Task 1a Deliverables:**

- AutoCAD/Civil 3D File (or tin file)
- Stamped survey file in pdf format
- Legal descriptions with exhibit maps (PDF)

**TASK 1b– Temporary and Permanent Easement Plats and Legals (cost to be per parcel and as needed):**

The project corridor shall run adjacent to the following parcels: 18 170 02 025 ; 18 170 02 004 ; 18 170 02 023 ; 18 170 02 001 ; 18 139 04 003 & 18 139 04 001

It is understood that this project may require easement plat and legal descriptions for temporary construction and permanent easements. The KAIZEN Team will prepare all necessary easement plat and legal descriptions as necessary to construct the proposed work. While the KAIZEN Team will be responsible for preparing any such easement plats and legal descriptions, it remains the City of Tucker’s responsibility to coordinate such graphics with property owners and enter into any legal agreements

**TASK 2 – 30% Design Development:**

Utilizing the field run survey, the KAIZEN Team will produce a layout and grading plan for the requested sidewalk improvements. The proposed sidewalk will following the existing road alignments, which establishes the project alignment and stationing. The design development drawings will include any structural elements, road crossings, driveway crossings, connections to any existing sidewalks, and opportunities for bench pad at bus stops as desired. Any required right-of-way and/or construction easements within private properties will be depicted on the plans for further discussion and City’s coordination with private property owners.

KAIZEN shall prepare 30% Design Development Documents as described below:

- 30% Alignment Construction Plans
- 30% Construction Details
- Conceptual Design: Plan View and Typical Section Graphics
- Locations and length of any proposed structural elements as applicable. **Any retaining walls higher than 4’ will require additional structural engineering and geotechnical services, not currently included in base bid.**

The 30% level design development documents will be coordinated with the City for review, comment, and to assist in facilitating easement agreements with all property owners as needed. KAIZEN will attend one site walk with the City to field verify all proposed elements upon request.

**Task 2 Deliverables:**

- 30% Design Development Documents (pdf) for City’s review
- Design team site walk of project with 30% level design to field verify.



### **Task 3 - 60% Construction Documents:**

During *Task 3 -60% Design for Construction*, the KAIZEN Design Team will conduct on-going coordination with the City to ensure clear and timely communication and to discuss key issues or opportunities that arise. The 60% Construction Documents will further refine and articulate the project elements established in the 30% phase.

Based on the comments received on the 30% documents, the KAIZEN Design Team shall prepare 60% Design Development documents as described below:

- Project Cover Sheet / Index/ General notes
- Typical Sections
- Construction Plans (Layout, Preliminary Grading, Limits of Construction)
- Construction Details
- Driveway profiles
- Utility Plans
- Erosion Control Plans and associated details. Although not expected, note that if the disturbed area exceeds one acre, a three-phase erosion control plan must be submitted and approved by the Georgia Soil & Water Conservation Commission.
- Longitudinal drainage design including flow rate and gutter spread calculations.
- Retaining wall plans if required.
- Full Stormwater Management Report along with Determination of Infeasibility and pre and post discharge analysis and gutter spread calculations.

The 60% level construction documents will be submitted to the City of Tucker for review and comment. All City comments will be addressed concurrently with all other public agencies having jurisdictions, including GSWCC, DeKalb County, and all other utility stakeholders (as needed).

### **Task 3 Deliverables:**

- 60% Construction Documents (pdf) for City's review
- One design review meeting to obtain City's comments as needed
- Design team site walk of project with 30% level design to field verify

### **TASK 4 – Permit Coordination:**

As a part of the design for construction process, the KAIZEN Design team will complete and submit applications necessary for the project to be approved by ***the City of Tucker, DeKalb County Water and Sewer Authority (if necessary), any dry utility stakeholders, and GSWCC***, if and where applicable.

It understood that the City of Tucker is willing and able to cosign or provide signatures on any required applications needed to encroach within a utility easement(s), and to form any legal agreement(s) needed between the City of Tucker and utility provider(s) for the safe and efficient construction of the proposed project.

All comments received from public agencies will be summarized and presented to City via email. KAIZEN will attend any virtual/on-site meetings with public agencies to discuss any comments as requested prior to addressing any responses to comments. All revisions will be made to the 100% Issue for Permit documents.

This process is a negotiation with the agencies to assure the City that the permitted set of drawings is constructible, value engineered, and not burdened with unnecessary comments and expense from the permitting authorities.

**\*\* It is understood that this project should not require submission to the Georgia Department of Transportation (GDOT) and approval from them is therefore excluded from this scope of services.**

#### Task 4 Deliverables

- KAIZEN design team shall coordinate all review comments from City of Tucker, GSWCC, Dekalb County, and any other public agencies having jurisdiction over the project area. All comments from these agencies shall be addressed and incorporated into the Issue for Permit Construction Document submittal.

#### **TASK 5 – 100% Construction Documents:**

Based on the review/comment and approval of the 60% Construction Documents, KAIZEN agrees to prepare permit ready 100% Construction Documents for the project. The documents will be suitable for bidding and construction of the design elements of the project as detailed in this scope of services.

100% Construction Documents will be generated as described below:

- Project Cover Sheet/ Index/ General Notes
- Existing Conditions
- Typical Sections
- Construction Plans
- Construction Details
- Driveway Profiles
- Stormwater Pipe Design and Profiles
- Structural Design and Details as needed
- Signing and Marking Plans as needed
- Erosion, Sedimentation and Pollution Control Plans with a NPDES Comprehensive Monitoring Program (CMP)
- 100% Cost Estimate

#### Task 5 Deliverables:

- 100% Construction Documents submission will be made as digital PDF;
- 100% Construction Cost Estimate.

**TASK 6 – Bid Assistance:**

KAIZEN will provide a final Issued for Bid construction drawing set that has addressed all comments from the Client and public review agencies. KAIZEN will assist the City of Tucker with the bidding process, providing a bid item list, description of the scope of work for the City’s advertisement purposes, attending one (1) pre-bid meeting, responding to RFIs during the bidding process, and preparing addenda as appropriate.

**TASK 7 – Contract Administration:**

~~KAIZEN will provide construction administration services at an agreed hourly rate during the construction of the project. Tasks will include response to RFIs, review and approval of submittals, attending site visits/conference calls, as needed.~~

**Project Timeline:**

~~The expected timeline for completion of the work included in this proposal is ten months.~~

**Scope Exclusions:**

The following services are not included under this Agreement, and will be furnished by others or their agent, as noted:

- Additional drawings & specification revisions due to value engineering
- Architectural design or site work associated with proposed facilities (i.e. architectural renderings, sketches, elevations, footings/ foundations, etc.)
- As-built surveys or construction staking
- Electrical or mechanical engineering
- Georgia EPD submittal or approvals
- Improvements to any existing public rights-of-way or utilities that may be additional requirements by the city that have not been identified elsewhere in this scope and would not exclusively serve the development
- Mechanical or Electrical Design
- Permitting and/ or development related fees
- Right-of-Way Plans
- Sanitary sewer and/or water distribution system design
- Services associated with variances, waivers, modifications, and/or any relief from local, state or federal regulations
- Services related to air, solid waste, and/or hazardous waste permits
- Services related to noise abatement or endangered species
- Services related to rezoning or annexation of property
- Services requiring FEMA approvals such as CLOMAR; A LOMAR and ASBUILT survey
- Submittals to Georgia Safe Dams Program
- **Structural Engineering and Geotechnical Services as add services**
- Traffic engineering, signal design, or traffic studies and/or signal warrants
- USACOE submittals or Approvals
- Variance or Special Use Permits for the development
- Water collections for water quality samples or submittals to NPDES for water quality monitoring reports



**PROJECT FEE:**

Task 1a – Surveying Services	\$10,000.00
Task 1b - Easement Plats and Legals	\$3,500
Task 2 – 30% Design Development Documents	\$5,500.00
Task 3 – 60% Construction Documents	\$12,500.00
Civil Engineering / E&S / Stormwater Infeasibility Report **	\$15,000.00
Task 4 – Permit Coordination	\$8,500.00
Task 5 – 100% Construction Document	\$6,500.00
Task 6 – Bid Assistance	\$2,000.00
Task 7 – Construction Administration (Hourly AT \$125/HR)	NTE \$4,500.00
<b>ESTIMATED BASE TOTAL (excludes C.A. Cost)</b>	<b>\$63,500.00</b>
<b>TOTAL WITH MAX CONSTRUCTION ADMIN.</b>	<b>\$68,000.00</b>

The KAIZEN Collaborative Design, Inc. shall receive the above project fee as compensation for the described responsibilities within this professional services agreement.

**\* Refer to Appendix A for position and hourly breakdown of project fee**

**\*\*Excludes any additional cost required for structural engineering or geotechnical services, this includes the exclusion of any required infiltration data needed for infeasibility reporting. Estimated cost for percolation test is \$9,500**

**ACCEPTED:**

The Client accepts the terms and conditions of this Professional Services Agreement.

KAIZEN Collaborative Design, Inc:

City of Tucker:



\_\_\_\_\_  
Chuck Abbott, PE

\_\_\_\_\_  
Principal Owner  
Title

\_\_\_\_\_  
June 24, 2024  
Date

\_\_\_\_\_

\_\_\_\_\_  
Title

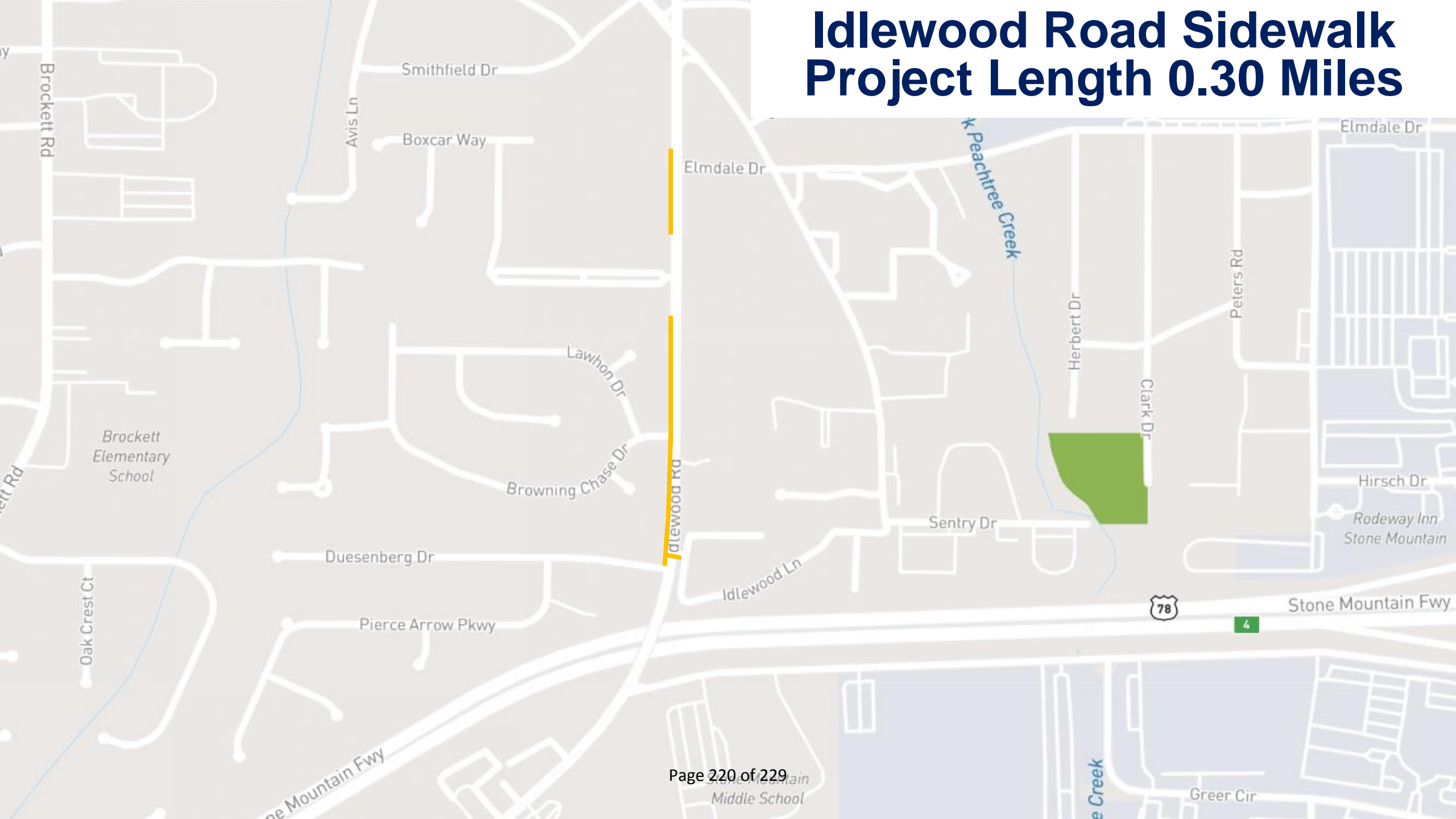
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# ***SIDEWALK PROJECT DESIGNS***

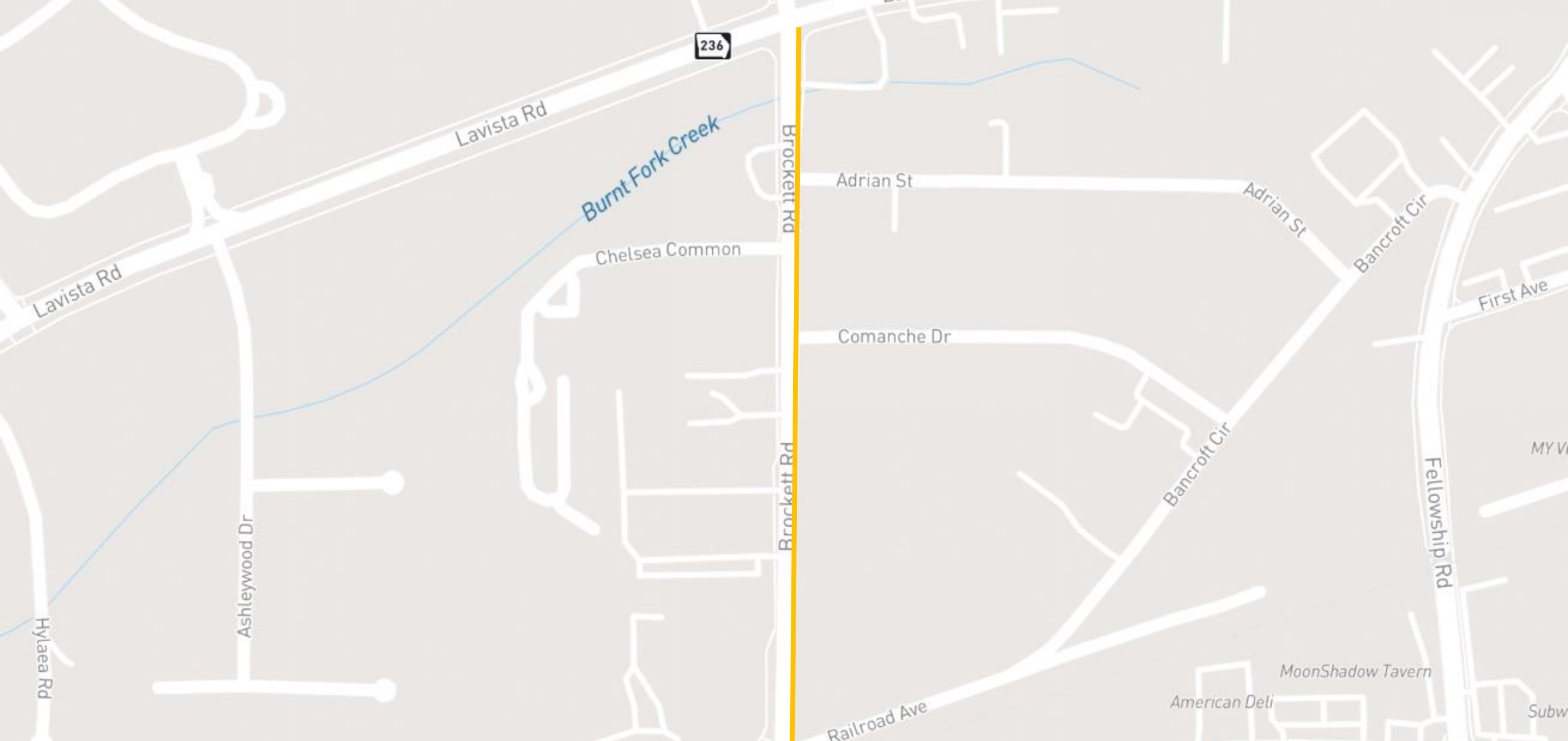




# Idlewood Road Sidewalk Project Length 0.30 Miles

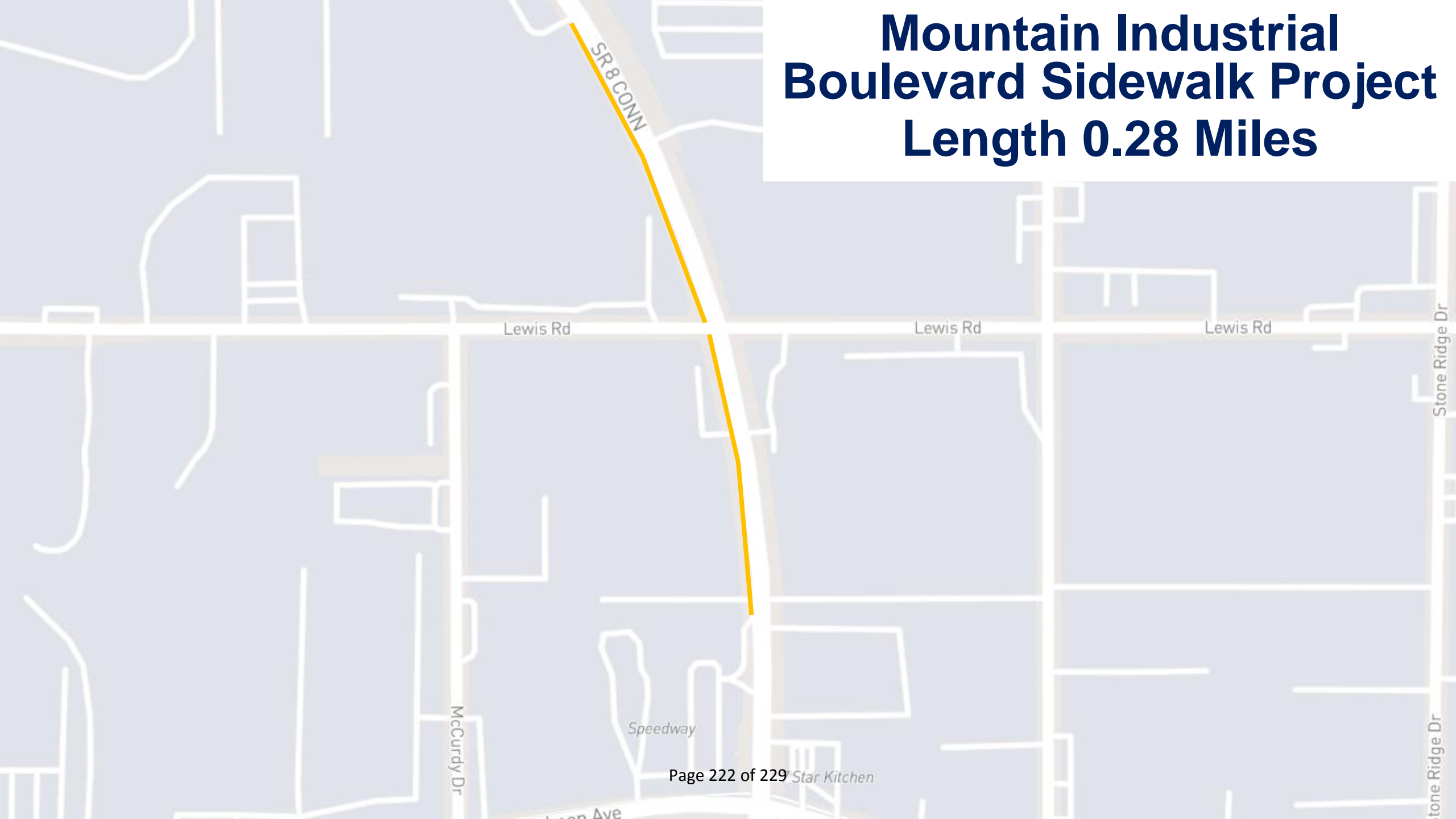






# **Brockett Road Sidewalk Project Length 0.30 Miles**

# Mountain Industrial Boulevard Sidewalk Project Length 0.28 Miles



Lewis Rd

Lewis Rd

Lewis Rd

Stone Ridge Dr

McCurdy Dr

Speedway

McLean Ave

Stone Ridge Dr



## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** Ken Hildebrandt, City Engineer  
**CC:** John McHenry, City Manager  
**Date:** July 8, 2024  
**RE:** Memo for Memorandum of Agreement with the Tucker Summit Community Improvement District

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**Contract/Document Number:** MOA-TSCID-C2022-2018-018-TO20-PO25-777

### Description for on the Agenda:

- Consideration of a Memorandum of Agreement with the Tucker Summit Community Improvement District for design of sidewalk on Mountain Industrial Blvd.

### Issue:

Memorandum of Agreement with the Tucker Summit Community Improvement District for the design of sidewalk on Mountain Industrial Boulevard.

### Recommendation:

Staff recommends that Council approve the MOA to partner with the TSCID on this design.

### Background:

This sidewalk gap was identified in the Transportation Master Plan and in the Tucker Summit CID Freight Cluster Plan. This is an active MARTA bus route. The Tucker Summit Community Improvement District has indicated that they would pay for 50% of the design cost and 25% of the construction cost.

### Summary:

Sidewalk will be designed on the west side of Mountain Industrial Boulevard from the Popeye's (south of Greer Circle) to the Speedway (north of E Ponce de Leon Avenue).

### Financial Impact:

The Tucker Summit CID will pay 50% of the design fee of \$63,600.



STATE OF GEORGIA

COUNTY OF DEKALB

**AGREEMENT**

**THIS AGREEMENT** (hereinafter referred to as the "Agreement") is made and entered into effective the date last signed below, by and between the **CITY OF TUCKER**, a municipal corporation of the State of Georgia, (hereinafter referred to as the "City") and the **TUCKER SUMMIT COMMUNITY IMPROVEMENT DISTRICT** (hereinafter referred to as the "CID").

**WHEREAS**, Mountain Industrial Boulevard between Greer Circle and E Ponce de Leon Avenue lies within the boundaries of both the City and the CID (hereinafter referred to as the "Project"); and

**WHEREAS**, the City and CID desire for pedestrian improvements to be designed and constructed for the Project which will at a minimum include the following components: Field survey and construction plans including typical sections, cross sections, drainage calculations, erosion control plans, and other engineering design to produce plans for an ADA accessible sidewalk; and

**WHEREAS**, the City and the CID agree to the Project limits as generally described as the west side of Mountain Industrial Boulevard from 1690 Mountain Industrial Boulevard to 5448 E Ponce de Leon Avenue; and

**WHEREAS**, the CID has and the City have adopted a Freight Cluster Study which identified the need for pedestrian improvements at the Project locations; and

**WHEREAS**, the estimated cost for the Project Engineering is \$63,500;

**NOW, THEREFORE**, in consideration of the mutual covenants and benefits flowing to the parties, the receipt and sufficiency of which are hereby acknowledged, the City and the CID agree as follows:

1. the City shall be responsible for all oversight, management, and contracting of the Project including procurement, design, managing the engineering contractor, scheduling, processing invoices and payment to all contractors, and financial responsibilities specifically set forth for the City in this Agreement. The City shall require all contractors to indemnify the City.
2. The CID shall be invited to all Project meetings and shall have input into the detailed design plan development, and the CID shall be invited to attend all meetings with the engineering consultant.
3. For the Design and Permitting Phase of the Project:

- (a) the City shall pay all invoices to the engineering consultant for design fees. The City will periodically invoice the CID for reimbursement of design fees for 50% of the local match to a maximum of \$31,750.00. The CID shall issue payment to the City within thirty (30) days of receipt of the invoices; and

*{Signatures on following page}*

**WHEREFORE**, the parties have caused this Agreement to be executed under seal by authorized representatives of each entity effective on the day and year above set forth.

ATTEST:

**CITY OF TUCKER, GEORGIA**

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

Date: \_\_\_\_\_

**TUCKER SUMMIT COMMUNITY IMPROVEMENT  
DISTRICT**

\_\_\_\_\_  
PRESIDENT

Date: \_\_\_\_\_



## MEMO

**To:** Honorable Mayor and City Council Members  
**From:** John McHenry, City Manager  
**CC:** Ted Baggett, City Attorney  
**Date:** July 8<sup>th</sup>, 2024  
**RE:** Memo for Capital Program Management FY25

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**Contract/Document Number:** C2024-07-08-PO25-00781

### Description for on the Agenda:

- Consideration of a contract for continued development of a Capital Project Management Program with Jason Gaines, W & A Engineering.

### Issue:

As the City has grown and developed a robust range of transportation and parks projects, there has been an increasing need for a capital improvement program that will guide the budgeting process over a five-year period. Jason Gaines and the W&A staff will develop a fiscally balanced five-year program that will be a strategic approach that aligns with existing adopted Council adopted plans and initiatives. Mr. Gaines will be on site for 16 hours and will be communicating with departments in an effective manner for tracking budgeting, timing and project completion.

### Recommendation:

To move forward with this critical programming tool and its incorporation into a multi-year budgeting process.

### Financial Impact:

Contract amount of \$153,600 for FY 2025





July 1, 2024

John McHenry  
City Manager  
City of Tucker  
1975 Lakeside Parkway, Suite 350  
Tucker, Georgia 30084

Re: Professional Services Agreement for Capital Program Management –FY2025

Dear Mr. McHenry,

W&A Engineering, LLC (W&A) is pleased to submit this proposal for Capital Project Management Services to the City of Tucker.

**Scope of Services**

**I. Capital Program Management**

- a. W&A will assign to the City Jason Gaines, AICP, to serve as Capital Projects Program Manager. In this role, Mr. Gaines will provide a minimum of 16 hours per week on-site to perform the duties and functions associated with the role.
- b. Mr. Gaines’ primary function will be to assist the City Manager in the programming and implementation of capital projects spread across four (4) City departments: Economic Development, Engineering (Transportation), Parks, and Public Works. General duties are to include, but are not limited to:
  - i. Strategic Planning: Ensuring that the Capital Projects Program has clear, distinguishable goals and objectives that the projects included within the program embody. Further, the Capital Projects Program will demonstrate alignment with plans and studies that have been adopted by the City Council, such as the Comprehensive Plan, the Strategic Transportation Master Plan, and others.
  - ii. Coordination: Ensuring clear, effective, consistent communication across City departments as it relates to project budgeting, timelines, and execution to maintain the efficient transmission of information between departments and the City Manager’s Office.
  - iii. Program Delivery: Coordinating with department directors, other staff, and contractors to ensure that projects are carried out in an efficient manner that balances cost and time savings.
  - iv. Accountability: Working with City leadership to structure the Capital Projects Program in a manner that considers prioritizing the most pressing needs first. This approach ensures that the program is responsive to the needs of the public, and takes into account the vision and priorities that have already been expressed via the City’s long-range planning studies such as the Comprehensive Plan, the Strategic Transportation Master Plan, the Economic Development Strategic Plan, and others.

- c. The City will have access to the diverse experience of W&A personnel for the support of the services described, or other services as requested by the City. All W&A personnel operating under this agreement will have the training, qualifications, and applicable licensure(s) required to perform the duties assigned.

**FEES AND SERVICE PERIOD**

**Service**

**Fee**

Capital Program Management (July 1, 2024 – June 30, 2025)

\$12,800.00 per month fixed fee

\*Includes a minimum of 16 hours per week on-site.

The service period for this agreement is twelve (12) months, beginning from the date of execution of the agreement by all parties (no sooner than July 1, 2024). W&A will meet with the City Manager on at-least a quarterly basis to evaluate contract performance.

**Authorization**

If this proposal is acceptable to you, W&A will perform the work in accordance with the scope of work, unit rates, and General Terms and Conditions that are incorporated herein and collectively will become the Agreement. Please sign below and return one original copy (to include all pages) to our office.

We appreciate the opportunity to offer our services and look forward to working with you. Please call if you have any questions.

Respectfully submitted,  
**W&A Engineering, LLC**



Jason Gaines, AICP  
Director of Planning

**Proposal Acceptance:**

We appreciate the opportunity to provide these services to you. Your signature and return copy will serve as the Notice to Proceed.

**W&A Engineering, LLC**

**City of Tucker**

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Date)

PROJECT INFORMATION	
Project Name: <u>City of Tucker – Capital Program Management and Other Supplemental Services</u>	
Client Address: <u>1975 Lakeside Parkway, Suite 350, Tucker, Georgia 30084</u>	
W&A	CLIENT
Project Manager: <u>Jason Gaines</u>	Project Manager: <u>John McHenry</u>
Phone: <u>404-282-8502</u>	Phone: <u>770-530-9998</u>
Email: <u>kgaines@waengineering.com</u>	Email: <u>jmchenry@tuckerga.com</u>

BILLING INFORMATION
Billing Contact Name: _____
Billing Address: _____
Phone / Email Billing Contact: _____