



Mayor & City Council
Regular Meeting Agenda

Monday, January 9, 2023, 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
Noelle Monferdini, Council Member District 2, Post 2
Anne Lerner, Council Member District 3, Post 2

ZOOM Link: <https://us02web.zoom.us/j/83307494382> or Phone: 888 788 0099 (Toll Free) Webinar ID: 833 0749 4382

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B.	ROLL CALL	
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- Second Read and Public Hearing of an Ordinance by the Mayor and Council for a major modification Special Land Use Permit (SLUP-22-0003) to allow a change in conditions pursuant to SLUP-21-0004 for a drive-through restaurant at 4435 High Howell Road and 2239 Dillard Street.

J. NEW BUSINESS

K. MAYOR AND COUNCIL COMMENTS

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

M. ACTION AFTER EXECUTIVE SESSION - As needed

N. ADJOURNMENT

- Motion to adjourn meeting



**MAYOR & CITY COUNCIL
REGULAR MEETING MINUTES**

**Monday, December 12, 2022, 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
Noelle Monferdini, Council Member District 2, Post 2
Anne Lerner, Council Member District 3, Post 2

ZOOM Link: <https://us02web.zoom.us/j/83307494382>

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.

C. PLEDGE OF ALLEGIANCE

The pledge was led by Scout Troops 2115 and 15.

D. MAYOR'S OPENING REMARKS

Mayor Auman introduced two new employees: Lolita Brown, Human Resources Manager and Micah Seibel, Capital Projects Coordinator. He also mentioned that since the November update, the City received 10 applications for an Occupational Tax Certificate, and to sign up for the In Tucker Magazine.

E. PUBLIC COMMENTS

One citizen spoke on the 'Save the 7' fund raising campaign for the American Legion Post 207.

F. APPROVAL OF THE AGENDA

MOVER: F. Auman

SECONDER: A. Lerner

Motion to amend the agenda to change item J2 from an ordinance to a resolution passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

G. CONSENT AGENDA

MOVER: A. Weaver
SECONDER: C. Schroeder

Motion by Councilmember Weaver to remove Item G1 off the Consent Agenda.

G.2 Work Session Minutes - November 28, 2022

G.3 Ordinance O2022-11-53 to amend the Tucker Code CH 40 (Second Read/Adoption)

MOVER: V. Rece
SECONDER: F. Auman

Motion to approve Consent Agenda Items G2 and G3 passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

G.1 Regular Meeting Minutes - November 14, 2022

MOVER: A. Weaver
SECONDER: A. Lerner

Motion to excuse the absence of Councilmember Monferdini for the Council Meeting on November 14, 2022 passed 4-2-1 (Councilmember Monferdini recused)

AYES: (4): R. Orlando, A. Weaver, V. Rece, and A. Lerner

NAYES: (2): F. Auman, and C. Schroeder

ABSTAIN: (1): N. Monferdini

APPROVED (4 to 2)

MOVER: R. Orlando
SECONDER: A. Lerner

Motion to approve the Regular Meeting Minutes of November 14, 2022 as presented passed in favor 6-0-1 (Councilmember Monferdini recused)

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

ABSTAIN: (1): N. Monferdini

APPROVED (6 to 0)

H. STAFF REPORTS

H.1 Finance Department Report on November 2022 Financials

Finance Director Beverly Ragland spoke on the operating budget financials and capital projects activity for November 2022.

H.2 City Manager Report on FY23 Budget Update

City Manager Tami Hanlin spoke on budget changes in revenues and expenditures. The plan is to add a position to the court staff due to the substantial increase in the Traffic Court activity. This volume requires the addition of one court clerk to maintain efficient operations. The court revenues offset the expenditure for the new position.

H.3 Engineering Department Report on On-Call Engineering List (RFQ 2022-018)

City Engineer Ken Hildebrandt spoke on the On Call Engineering RFQ 2022-018 which 26 proposals were received. Some firms requested to be considered for multiple categories and some submitted for only one or two areas of expertise. The advantage of having an approved list of on-call consultants is improved efficiency of the procurement process and the comfort level in working with a qualified and experienced team. As projects are developed, proposals will be solicited from firms identified from the approved on-call engineering list for the following categories:

Category 1 - Road Design

1. Atlas Technical Consultants
2. Lowe Engineers
3. Kimley Horn
4. Keck and Wood
5. VHB Consultants

Category 2 - Survey

1. Lowe Engineers
2. Atlas Technical Consultants
3. Prime Engineering
4. Survey and Mapping

Category 3 - Hydrology

1. Atlas Technical Consultants
2. Kimley Horn
3. Southeastern Engineering

Category 4 - Construction Engineering and Inspection

1. Atlas Technical Consultants
2. BM&K Engineering
3. Southeastern Engineering
4. United Consulting

Category 5 - Sidewalk/Trail Design including Landscape Design

1. Lowe Engineers
2. Atlas Technical Consultants
3. Keck and Wood
4. KAIZEN Collaborative
5. Kimley Horn
6. Thomas and Hutton

Category 6 - Traffic Studies. Including Intelligent Traffic System (ITS) and Traffic Signal Design

1. VHB Consultants
2. Keck and Wood
3. Kimley Horn
4. Atlas Technical Consultants
5. Pond and Company

Category 7 - Environmental Engineering

1. United Consulting
2. CERM
3. Kimley Horn

H.4 Engineering Department Report on Trail Concept - Segments 3A and 3B

City Engineer Ken Hildebrandt spoke on the Concept Design for Trail Segments 3A and 3B from Main Street to Peters Park. The route of Trail Segments 3A & 3B generally parallels South Fork Peachtree Creek. It extends from Lawrenceville Highway at the north end to Peters Park at the south. Potential connectivity priorities include the proposed fire station on Cowan Road and an abutting trailhead parking lot, MARTA, and Tucker Brewing. The scope of this design includes holding a public information meeting, evaluating alternate alignments, analyzing feasibility of construction, evaluating constraints, conducting a cost analysis, and designing a preferred alignment. The task order to KAIZEN Collaborative is in the amount of \$27,000.00 for the Concept Design.

I. OLD BUSINESS

I.1 Ordinance O2022-11-54

City Attorney Ted Baggett spoke on the Second Read of an Ordinance by the Mayor and Council for the purpose of amending the Tucker Code Chapter 38 Streets, Sidewalks and Other Public Places to allow for the sale by the City of parcels of property too small to be used independently.

MOVER: N. Monferdini

SECONDER: A. Weaver

Motion to approve Ordinance O2022-11-54 to amend Tucker Code Chapter 38 passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

J. NEW BUSINESS

J.1 Ordinance O2022-12-55

Community Development Director Courtney Smith spoke on the First Read and Public Hearing of an Ordinance by the Mayor and Council for a major modification Special Land Use Permit (SLUP-22-0003) to allow a change in conditions pursuant to SLUP-21-0004

for a drive-through restaurant at 4435 Hugh Howell Road and 2239 Dillard Street (Chick-fil-A).

Changes from SLUP-21-0004 are shown in bold.

1. The property shall be developed in general conformance with the site plan submitted on **October,24 2022**, with revisions to meet these conditions.
2. Owner/Developer shall construct a northbound right turn lane on Rosser Terrace at the intersection of Hugh Howell Road, subject to the approval of the City Engineer and the Georgia Department of Transportation. **Additional right-of-way dedication from back of curb of the right turn lane and the closure of the curb cut adjacent to the right turn lane shall be required.**
3. *Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way as required to construct the above improvements and have a minimum of two feet (2') from the back of the future sidewalk.*
Owner/Developer shall dedicate at no cost to the City of Tucker additional right-of-way along their Rosser Terrace and Dillard Street frontages for the southbound deceleration lane (Rosser Terrace), sidewalk/streetscape improvements (Rosser Terrace), and adequate street width (Dillard Street).

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

FIRST READ

J.2 Resolution R2022-12-38

Per Agenda Amendment: Item J2 Ordinance O2022-12-56 changed to Resolution R2022-12-38.

MOVER: A. Lerner

SECONDER: N. Monferdini

Motion to approve Resolution R2022-12-38 for the purpose of adopting Legislative Findings regarding the importance of Sprinkler Systems in all Multifamily Structures Over Three Units passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

J.3 Ordinance O2022-12-57

City Attorney Ted Baggett spoke on the First Read of an Ordinance by the Mayor and Council for the purpose of amending the Tucker Code Chapter 4 Alcoholic Beverages relating to criteria for the issuance of certain licenses.

FIRST READ

J.4 Resolution R2022-12-35

City Attorney Ted Baggett spoke on the Intergovernmental Agreement on Maintenance, Repair and Improvement of Roads and Bridges with DeKalb County. The Mayor and Council of the City of Tucker entered into this intergovernmental agreement with DeKalb County on April 19, 2018. The people of the City of Tucker voted overwhelmingly in favor of having the city directly provide these services in a referendum held on November 8, 2022. The IGA requires written notice of termination 180 days in advance. Resolution R2022-12-35 indicates the City's intention that the agreement shall end on June 30, 2023 at 11:59 p.m.

MOVER: C. Schroeder

SECONDER: A. Lerner

Motion to approve Resolution R2022-12-35 to terminate the Intergovernmental Agreement for Maintenance, Repair and Improvement of Roads and Bridges between the City of Tucker and Dekalb County passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

J.5 Resolution R2022-12-36

City Attorney Ted Baggett spoke on the Intergovernmental Agreement on Maintenance, Repair and Improvement of Stormwater with DeKalb County. The Mayor and Council of the City of Tucker entered into this intergovernmental agreement with DeKalb County on April 19, 2018. The people of the City of Tucker voted overwhelmingly in favor of having the city directly provide these services in a referendum held on November 8, 2022. The IGA requires written notice of termination 180 days in advance. Resolution R2022-12-36 indicates the City's intention that the agreement shall end on June 30, 2023 at 11:59 p.m.

MOVER: A. Lerner

SECONDER: C. Schroeder

Motion to approve Resolution R2022-12-36 to terminate the Intergovernmental Agreement for Maintenance, Repair and Improvement of Stormwater between the City of Tucker and Dekalb County passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

J.6 Resolution R2022-12-37

Mayor Auman stated that the current appointment for the Chief Judge expires December 31, 2022. The Honorable Stephen Nicholas is currently serving a four-year

term as a judge on Tucker Municipal Court and has served as the Chief Judge of said court during the current year. Per the City Charter, one of the judges of the Municipal Court shall be designated as the Chief Judge.

MOVER: F. Auman

SECONDER: N. Monferdini

Motion to reappoint Judge Stephen Nicholas as Chief Judge of Tucker Municipal Court for a term of one year to begin on January 1, 2023 and end on December 31, 2023 passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

J.7 Contract C2022-CS-RNW-004

The city has contracted with ConnectSouth LLC to represent the city's interests and keep the city informed on legislative issues at the State Capital. Each year, during the legislative session, many bills are introduced that directly impact local government, often impacting home rule and revenue streams. Additionally, it is worthy of note that GMA does not typically engage on local legislation that may only impact one city or one county. Given the complexity of local government relationships in DeKalb County, keeping watch on local bills assists the city with protecting its operations and initiatives. Engaging a consulting firm has helped in being proactive and targeted in addressing city related issues. ConnectSouth is an experienced firm with team members who have the ability to work effectively with elected officials at the State level.

MOVER: A. Lerner

SECONDER: V. Rece

Motion to approve contract C2022-CS-RNW-004 with ConnectSouth LLC in the amount of \$5,000 per month for the calendar year 2023 passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

J.8 Contract C2022-00316-AMD-001

City Manager Tami Hanlin spoke on the contract amendment with InterDev for creating a geographical database of the city's road and stormwater system for two reasons 1) fixed asset inventory with valuations, since it is required for the audit and 2) as the voters have charged the city with taking over the road and stormwater systems effective July 1, 2023, a database will be the foundation of the work order software for the Public Works department, regardless of the software we select, since all of the software systems on the market depend on the same software system known as ESRI. Building an accurate, robust database takes expertise and time and we have 2 hard deadlines, July for starting the Public Works work-order system and August for having the fixed asset

inventory for the audit. The database will be developed using the data available from DeKalb, with the understanding that it will be updated and refined as we produce new studies and data.

MOVER: N. Monferdini

Motion to approve the contract amendment C2022-00316-AMD-001 with InterDev for \$59,723.56 with work to commence on January 2, 2023 and ending on June 30th, 2023 passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

K. MAYOR AND COUNCIL COMMENTS

The Mayor and Council thanked the Scouts and all for attending, and wish all a safe and warm Holiday Season.

L. EXECUTIVE SESSION - None

M. ACTION AFTER EXECUTIVE SESSION - None

N. ADJOURNMENT

MOVER: N. Monferdini

SECONDER: V. Rece

Motion to adjourn at 9:20 PM passed unanimously.

AYES: (7): F. Auman, R. Orlando, C. Schroeder, A. Weaver, V. Rece, N. Monferdini, and A. Lerner

APPROVED (7 to 0)

APPROVED: Frank Auman, Mayor

ATTEST: Bonnie Warne, Clerk

Date Approved



MEMO

To: Honorable Mayor and City Council Members
From: Ted Baggett, City Attorney
Cc: Tami Hanlin, City Manager
Date: December 6, 2022
RE: Memo for Ordinance to Amend Chapter 4 Alcoholic Beverages

Issue:

The City is contending with various locations where the sale of alcoholic beverages have become associated with criminal activity. Licenses for the sale of alcoholic beverages may be granted or withheld by the city based on the consideration of objective criteria. These criteria may include factors such as the number of other licensed locations nearby, the impact on surrounding property values, and the history of crime at a location. Our current code does not include many of these factors for consideration. Most of the new criteria language contained in the proposed ordinance comes from the City of Augusta's ordinance which withstood two separate challenges before the Georgia Supreme Court between 1998 and 2004. See Chu v. Augusta-Richmond County, 269 Ga. 822 (1998) and Augusta Richmond County et.al. v. Lee, 277 Ga. 483 (2004). In addition, the current language in our ordinance that prohibits package stores from having coin operated amusement machines has been removed and replaced with a provision that requires a minimum distance between locations that sell distilled spirits by the drink and those that sell distilled spirits by the package for off premises consumption. The language in our code prohibiting retail package stores from having coin operated amusement machines has been deemed preempted by state law and is therefore unenforceable. See Gebrekidan v. City of Clarkston, 291 Ga. 651 (2016). The city has recently made changes to the code intended to fully exploit the authority afforded by state law to regulate use of coin operated amusement machines. The language imposing distance between package and by the drink sales has been added to address issues associated with the easy availability of distilled spirits for consumption and by the package in the same relative location.

Recommendation:

The Mayor and Council approve the language in the ordinance to add additional objective criteria that may be considered upon receipt of applications for alcoholic beverage licenses and repeals language that is void and unenforceable.

STATE OF GEORGIA

CITY OF TUCKER

ORDINANCE O2022-12-57

AN ORDINANCE BY THE MAYOR AND CITY COUNCIL FOR THE CITY OF TUCKER, GEORGIA FOR THE PURPOSE OF AMENDING THE TUCKER CODE CHAPTER 4 ALCOHOLIC BEVERAGES RELATING TO CRITERIA FOR THE ISSUANCE OF CERTAIN LICENSES; TO PROVIDE FOR SEVERABILITY; 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 TITLE 3 of the O.C.G.A. to adopt ordinances regarding the distribution and sale of alcoholic beverages within the city limits; and

WHEREAS, a public reading was held by the Mayor and Council at regular city council meetings on December 12, 2022, and January 9, 2023; 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

The Code of Ordinances of the City of Tucker, Georgia is hereby amended to insert a language in Section 4-136, thereof, which shall read in words as follows:

Sec. 4-136. - Location restrictions.

(a) No person knowingly and intentionally may sell or offer to sell at retail, except as allowed under subsection (b) of this section:

(1) Any wine or malt beverages within 100 yards of any school building, school grounds, college campus or adult entertainment establishment. This requirement does not apply to any establishment if the sale of beer and wine was lawful at any time during the previous 12 months. Nothing in this subsection shall prohibit a grocery store licensed for the retail sale of only wine and malt beverages for consumption off the premises.

- (2) Any distilled spirits in or within 100 yards of any residence or church or within 200 yards of any school building, school grounds, educational building, educational facility, college campus or adult entertainment establishment.
 - (3) Any distilled spirits, wine or malt beverages within 200 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.
 - (4) Any distilled spirits, wine or malt beverages within 200 yards of an adult entertainment establishment.
- (b) No person knowingly and intentionally may sell or offer to sell for consumption on the premises, except as allowed under subsection (f) of this section:
- (1) Any wine or malt beverages within 100 yards of any school, school grounds, or college campus. This requirement does not apply to any establishment if the sale of beer and wine was lawful at any time during the previous 12 months.
 - (2) Any distilled spirits in or within 100 yards of any church or within 200 yards of any school building, school grounds, educational facility or college campus.
 - (3) Any distilled spirits, wine or malt beverages within 200 yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein.
 - (4) Any distilled spirits, wine or malt beverages within 200 yards of an adult entertainment establishment.
- (c) The school building, school grounds, college campus, educational facility or educational building referred to in this section applies only to state, county, city, church school, day care, kindergarten or buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state.
- (d) For the purpose of this section, distance shall be measured by the most direct route of travel on the ground. Every license application shall include a scale drawing of the location of the proposed premises, showing the distance of the uses described in this section and a certificate of a registered land surveyor or professional engineer that the location complies with these distance requirements.
- (e) Where an existing licensed location is interfered with by government action under the power of eminent domain, and not by a voluntary act of the licensee, the licensed use may relocate elsewhere on the property, and the new building site will be treated as an

existing nonconforming use eligible for license renewal for purposes of the distance requirements of this section.

- (f) The distance restrictions contained in subsection (b) of this section do not apply to an eating establishment if the following conditions are satisfied:
 - (1) Eating establishments that desire to offer alcoholic beverages for consumption on-premises shall be situated at least 50 feet from any pre-existing single-family detached dwelling. This 50-foot buffer shall be measured from the property line of the single-family detached dwelling to the side wall of the restaurant closest to that property line; and
 - (2) The distance restrictions contained in subsection (b) of this section shall continue to apply to nightclubs and late-night establishments.
- (g) The city may, in its discretion, issue or deny any license when there is evidence that the type and number of schools, churches, libraries or public recreation areas in the vicinity of the place of business of the licensee causes minors to frequent the immediate area, even though there is compliance with the minimum distances as provided herein.

SECTION TWO

The Code of Ordinances of the City of Tucker is hereby further amended to insert new language into section 4-60, thereof, which shall read as follows:

Sec. 4-60. - Persons eligible.

- (a) No license for the sale of alcoholic beverages shall be granted to any person or entity, where the majority of stock or partnership interests are controlled by individuals who are not citizens of the United States or aliens lawfully admitted for permanent residence. If an entity is owned by other entities, then this requirement shall apply to the majority stockholders of the other entities to ensure that a license is not granted to an ineligible person or entity.
- (b) No license for the sale of alcoholic beverages shall be granted to any person that has not attained the age of 18.
- (c) No retailer or consumption on-premises license for the sale of distilled spirits shall be granted where the applicant is not a resident of the county or municipality within the state where the sales of distilled spirits is authorized.
- (d) If the applicant is a corporation or partnership, the provisions of this section shall apply to all stockholders with ownership of ten or more percent, corporate officers and all partners. Where the majority stockholder is not an individual, the license shall be issued

to jointly to the corporation and local manager of the business or to the registered agent designated pursuant to section 4-22. In the case of a partnership, the license shall be issued to the partners with the highest ownership percentage. In the case of a sole proprietorship, the sole proprietor shall be the applicant and the licensee.

- (e) No license for the sale of alcoholic beverages shall be granted to any person, or the spouse of any person, who has been convicted under any federal, state or local law of any felony within the last ten years, has been on felony probation or parole within the last five years, or released from prison on felony charges within the last five years prior to filing an application. The term "conviction" includes any adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.
- (f) No license for the sale of alcoholic beverages shall be granted to any person, or the spouse of any person, who has been convicted under any federal, state or local law of any misdemeanor involving moral turpitude within ten years prior to filing an application. The term "conviction" includes any adjudication of guilt or a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime. The term "moral turpitude" shall include any violation that involves gambling, drugs, or a driving while intoxicated conviction in less than five years from a prior driving while intoxicated conviction, and sale of alcohol with the exception of any violations of section 4-141 or 4-143.
- (g) It shall be unlawful for any city employee of a department regulating alcoholic beverages, or the employee's spouse or minor children, to have any whole, partial or beneficial interest in any license to sell alcoholic beverages in the city.
- (h) No license for the sale of alcoholic beverages shall be granted to any person who has had any license issued under the police powers of the city previously revoked within two years prior to the filing of the application.
- (i) No license for the sale of alcoholic beverages shall be granted to any person or entity that has violated this section within one year prior to the filing of the application for such license.
- (j) The finance department may decline to issue a license when any person having any interest in the operation of such place of business or control over such place of business does not meet the same character requirements as set forth in this article for the licensee.
- (k) The inability of the finance department or the police department to verify any statement or information required to be disclosed or to be able to adequately conduct a full investigation of an applicant or a place of business due to foreign background, ties or interest or for any reason beyond the finance department or the police department's

control shall be, in addition to all other grounds, cause for dismissal of any license, with prejudice and if any license has been granted shall be cause for revocation of the license.

- (l) In determining whether or not any license applied for hereunder shall be granted, renewed, or issued to a new location, in addition to all the provisions of this code, the following shall be considered in the public interest and welfare:
 - (1) Reputation, character. The applicant's reputation, character, trade and business associations or past business ventures, mental and physical capacity to conduct this business.
 - (2) Previous violations of liquor laws. If the applicant is a previous holder of a license to sell alcoholic liquors, whether or not they have violated any law, regulation or ordinance relating to such business.
 - (3) Manner of conducting prior liquor business. If the applicant is a previous holder of a license to sell alcoholic liquors, the manner in which the business was conducted thereunder, especially as to the necessity for unusual police observation and inspection in order to prevent the violation of any law, regulation or ordinance relating to such business.
 - (4) Location. The location for which the license is sought, as to traffic congestion, general character of neighborhood, and the effect such an establishment would have on the adjacent and surrounding property values.
 - (5) Number of licenses in trading area. The number of licenses already granted for similar business in the trading area of the place for which the license is sought.
 - (6) Dancing. If dancing is to be permitted upon the premises for which the license is sought and the applicant has previously permitted dancing upon any premises controlled or supervised by the applicant, the manner in which the applicant controlled or supervised such dancing to prevent any violation of any law, regulation or ordinance.
 - (7) Previous revocation of license. If the applicant is a person whose license issued under the police powers of any governing authority has been previously suspended or revoked or who has previously had an alcoholic beverages license suspended or revoked.
 - (8) Payment of taxes. If the applicant and business are not delinquent in the payment of any taxes.

- (9) Congregation of minors. Any circumstances which may cause minors to congregate in the vicinity of the proposed location, even if the location meets the distance requirement under section 4-136 herein.
- (10) Prior incidents. Evidence that a substantial number of incidents requiring police intervention have occurred within a square city block of the proposed location during the twelve (12) months immediately preceding the date of application.
- (11) Previous denial or revocation. The denial of an application, or the revocation of a license, occurring within the preceding twelve (12) months, which was based on the qualifications of the proposed location.

SECTION THREE

The Code of Ordinances of the City of Tucker is hereby further amended to strike language and to insert new language into section 4-299, thereof, which shall read as follows:

~~Sec. 4-299. - Coin-operated or amusement machines.~~ Limitation of proximity of locations engaged in sales of distilled spirits for consumption on the premises to locations selling distilled spirits by the package for off premise consumption.

~~No retail dealer in liquors shall permit on the premises any slot machine of any kind or character or any coin-operated machine or any machine operated for amusement purposes. However, cigarette vending machines may be permitted.~~ distilled spirits for consumption on the premises may be sold at locations within 100 feet of retail locations that engage in sales of distilled spirits by the package for consumption off the premises.

SECTION FOUR

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 FIVE

This ordinance shall become effective immediately upon adoption.

SO ORDAINED, this 9th day of January 2023.

APPROVED:

ATTEST:

Frank Auman, Mayor

Bonnie Warne, City Clerk

[SEAL]



MEMO

To: Honorable Mayor and City Council Members
From: Bonnie Warne, City Clerk
CC: Tami Hanlin, City Manager
Date: January 9, 2023
RE: Memo for 2023 Election

Schedule for 2023 Municipal Election:

November 7, 2023 General Municipal Election
JAN 9: Council meeting to set Qualifying Fees and Dates of Qualifying
JAN 10: Complete 'Exhibit A Form' from IGA to notify DeKalb County that City would like them to conduct the General Municipal Election (email copy and mail original)
JAN 12: Send Ad to The Champion to Set and Publish Qualifying Fees and Dates by February 1st per O.C.G.A. § 21-2-131(a)(1)(A) (Block Ad: Jan 19 th edition)
July 27: Send Ad to The Champion for Public Notice on Qualifying Fees and Dates 2 weeks prior to qualifying. O.C.G.A. § 21-2-132(d)(5) and Call for Election at least 30 days prior to election per O.C.G.A. § 21-2-9(c) and email copy to Secretary of State. (Block Ad: Aug 3 rd edition)
AUG 21 9:00 AM – AUG 24 4:30 PM: Eligible qualifying dates (must be 3-5 days) per O.C.G.A. § 21-2-132(c)(3)
OCT 2: Board of Registrar to publish dates, times and locations of advanced voting. (https://www.dekalbcountyga.gov/voter-registration-elections/early-voting)
OCT 9: Absentee/ Advanced Voting begins per O.C.G.A. § 21-2-385(d)(1)
OCT 10: Last day to register to vote in the Municipal Election per O.C.G.A. § 21-2-224; 21-2-501

PUBLIC NOTICE

CITY OF TUCKER, GA

The date of the General Municipal Election for the office of electing Councilmember District 1 Post 2, Councilmember District 2 Post 2, Councilmember District 3 Post 2 is Tuesday, November 7, 2023. The qualifying fee for the office of City Council seat is \$420.00, which is 3% of the total gross councilmember salary of the preceding year (O.C.G.A. 21-2-131(a)(1)(A)). Each candidate shall file notice of candidacy in the office of the City Clerk of Tucker, 1975 Lakeside Pkwy Suite 350, Tucker, Georgia 30084. The qualifying dates will be Monday, August 21, 2023 at 9:00 A.M. through Thursday, August 24 at 4:30 P.M. (O.C.G.A. 21-2-132(c)(3)(A)). Each candidate must meet the qualifications of the Charter and Code of the City of Tucker, as well as applicable State Laws. A Declaration of Intent Form must be filed with the City Clerk prior to accepting campaign funds.

Bonnie Warne, CMC

City Clerk/Qualifying Officer.

**STATE OF GEORGIA
CITY OF TUCKER**

RESOLUTION R2023-01-01

**A RESOLUTION TO FIX AND PUBLISH THE QUALIFYING PERIOD AND FEES
FOR THE CITY OF TUCKER 2023 MUNICIPAL ELECTION**

WHEREAS, the Georgia Election Code, specifically O.C.G.A. Section 21-2-131(a)(1), requires qualifying fees to be fixed and published no later than February 1 in a general municipal year, and

WHEREAS, pursuant to the Georgia Election Code, specifically O.C.G.A. Section 21-2-70.1 and the City Code Section 2.24, the City Clerk serves as the municipal election superintendent, and

WHEREAS, a general municipal election will be held on November 7, 2023, and

WHEREAS, in compliance with the City Charter, specifically Section 2.01(d), the city will hold a general election for the city council seat for District 1 Post 2, District 2 Post 2, and District 3 Post 2 in 2023, and

WHEREAS, the Georgia Election Code, specifically O.C.G.A. Section 21-2-132(c)(3)(A) requires that the qualifying period for a general municipal election can begin no earlier than the third Monday in August prior to the general election at 8:30 a.m. and end no later than Friday at 4:30 p.m., that it must last at least three days, but no more than five days and that all days must be consecutive, and

WHEREAS, the Georgia Election Code provides that qualifying fees shall be 3% of the total gross salary of the office paid in the preceding calendar year.

NOW, THEREFORE BE IT RESOLVED, that the qualifying fees for the following City of Tucker municipal offices are set as follows:

Council Member District 1 Post 2	\$420
Council Member District 2 Post 2	\$420
Council Member District 3 Post 2	\$420, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the municipal

election qualifying period shall be from Monday, August 21, 2023 at 9:00 A.M. through Thursday, August 24 at 4:30 P.M., and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Municipal Election Superintendent shall be authorized to communicate and cooperate with the DeKalb County Board of Elections pursuant to the Intergovernmental Agreement for the Provision of Election Services between the City of Tucker and DeKalb County dated November 8, 2017, and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Municipal Election Superintendent is instructed to publish said qualifying fees in the legal organ of DeKalb County, The Champion.

ADOPTED this the 9th day of January 2023.

Frank Auman
Mayor

ATTEST:

Bonnie Warne
City Clerk



MEMO

To: Honorable Mayor and City Council Members
From: Ken Hildebrandt, City Engineer
CC: Tami Hanlin, City Manager
Date: December 12, 2022
RE: Juliette Road Streetlight Agreement with Georgia Power

Description for on Agenda:

Approval of a lighting services agreement with Georgia Power Company for the installation and maintenance of streetlights on Juliette Road.

Issue:

Approval of an agreement with Georgia Power Company for the installation and maintenance of streetlights on Juliette Road from E Ponce de Leon Avenue to the US 78 bridge.

Recommendation:

Staff recommends the approval of this agreement to move forward with the streetlight installation.

Summary:

In order to improve the aesthetics along Juliette Road and provide safety improvements for vehicles and pedestrians, a proposal was solicited from Georgia Power to install 24 dual-armed LED streetlights in the Juliette Road median. Once installation is completed, the perpetual maintenance and replacement would be the responsibility of Georgia Power.

Financial Impact:

A one-time cost of \$155,000 will be funded from the FY2023 capital project CE2304 (GL #310.4100-54.14000) designated for Juliette Road improvements. A monthly maintenance/service fee of \$1,121.89 is required.

Attachments:

Streetlight Design
Georgia Power Lighting Services Agreement

Lighting Services Agreement



Customer Legal Name City of Tucker DBA _____
Service Address 1412 Juliette Rd Tucker GA 30084 County DeKalb County
Mailing Address 1975 Lakeside Pkwy STE 350 Tucker GA 30084
Email KHildebrandt@Tuckerga.gov Tel # 770-865-5645 Alt Tel # _____
Tax ID# _____ Business Description City Government

Existing Customer Yes ☒ No ☐ If Yes (and if possible), does customer want the Service added to an existing account? Yes ☐ No ☒ If Yes, which Account Number? _____

Selected Components

Action	Qty	Wattage	Type	Description
INS	47	130	LED	Area

Service Cost (\$)	Regulated Cost (\$)*	Monthly Cost (\$)*
\$915.09	\$206.80	\$1,121.89

Term (Months)	1
---------------	---

* The actual Regulated Cost will be calculated using the tariffs approved by Georgia Public Service Commission at the time of billing. The estimate is based on Summer Rates in effect at the time of this proposal. Excludes applicable sales tax.

Project Notes:

Customer agrees to this Lighting Services Agreement with Georgia Power Company under the attached terms and conditions and authorizes all actions noted on this agreement.

Customer also agrees to allow removal of existing lights. Yes ☐ N/A ☒

Type	Customer	Tariff	Content
NESC	Gov	EOL	NLC

Pre-Payment (\$)
\$155,000.00

Customer recognizes that the individual signing this Agreement on its behalf has authority to do so.

Customer Authorization	Georgia Power Authorization
Signature:	Signature:
Print Name:	Print Name: Richard Gresham
Print Title:	Print Title: Account Exec
Date:	Date:

TERMS and CONDITIONS (*Lighting – Governmental Service*)

1. **Agreement Scope.** This Lighting Services Agreement (“**Agreement**”) establishes the terms and conditions under which Georgia Power Company (“**GPC**”) will provide lighting and related service (collectively, the “**Service**”) to the customer identified on Page 1 (“**Customer**”) at the Service Address shown on Page 1 (the “**Premises**”). GPC may install, update, modify, or replace any GPC-owned pole, base, wiring, conduit, fixture, control, equipment, device, or related item at the Premises (collectively, “**GPC Assets**”) for any reason related to the Service or to use of GPC Assets.
2. **Term and Termination.** The initial Agreement term is stated on Page 1, calculated from the date of the first bill. After the initial term, this Agreement automatically renews on a month-to-month basis until terminated by either party by providing written notice of intent to terminate to the other party (in accordance with the notice provisions of the *Miscellaneous* section below) at least 30 days before the desired termination date. The initial term and any renewal term or terms are collectively the “**Term**.”
3. **Intent and Title.** This Agreement governs GPC’s provision of the Service to Customer and is not a sale, lease, or licensing of goods, equipment, property, or assets of any kind. GPC retains the sole and exclusive right, title, and interest in and to all GPC Assets. Customer acknowledges that GPC Assets, although attached to real property, always will remain the exclusive personal property of GPC and that GPC may remove GPC Assets upon Agreement termination. **GPC makes no representation or warranty regarding treatment of this transaction by the Internal Revenue Service or the status of this transaction under any federal or state tax law. Customer enters into this Agreement in sole reliance upon its own advisors.**
4. **Payment.** GPC will invoice Customer monthly for the Monthly Cost as described on Page 1. The Service Cost portion of the Monthly Cost will renew at the amount shown on Page 1, but the Regulated Cost portion will be determined by the applicable Georgia Public Service Commission-approved tariff at the time of billing. Customer agrees to pay the total amount billed in full by the invoice due date. If a balance is outstanding past the due date, Customer acknowledges that GPC may require Customer to pay a deposit of up to two times the Estimated Monthly Charge in order to continue Service. If applicable, Customer must provide a copy of its Georgia sales tax exemption certificate. Customer must pay costs associated with any Customer-initiated change to the Service after the date of this Agreement.
5. **Premises Activity.** Customer hereby grants to GPC and its contractors, agents, and representatives the right and license to enter the Premises at any time to perform any activity related to the Service or to GPC’s use of the GPC Assets, including the right to access the Premises with vehicles, GPC Assets, or other tools or equipment, and to survey, dig, or excavate, in order to: (i) install and connect GPC Assets, provide Service, or provide or install any other service; (ii) inspect, maintain, test, replace, repair, disconnect, or remove GPC Assets; (iii) install additional equipment or devices on GPC Assets; or (iv) conduct any other activity reasonably related to the Service or GPC Assets (collectively, “**GPC Activity**”). Customer represents or warrants that it has the right to permit GPC to provide the Service and to perform the GPC Activity upon the Premises and, if applicable, has obtained express written authority and required permission from all Premises owners, and any other person or entity with rights in the Premises, to enter into this Agreement and to authorize the GPC Activity and the Service.
6. **Installation and Underground Work.** Customer recognizes that the Service requires installation of GPC Assets. Customer warrants or covenants that: (i) the Premises’ final grade will vary no more than six inches from the grade existing at the time of installation; and (ii) if applicable and required for proper installation, Premises property lines will be clearly marked before installation.
 - A. **Customer Work.** If GPC, upon Customer’s request, allows Customer, itself or through a third party, to perform any activity related to installation of GPC Assets (including trenching), Customer warrants or covenants that the work will meet GPC’s installation specifications (which GPC will provide to Customer and which are incorporated by this reference). Customer must provide GPC at least 10 days’ prior written notice of its schedule for the work, so that GPC can schedule GPC’s installation work promptly thereafter. Customer will be responsible for any additional costs arising from non-compliance with GPC’s specifications, Customer’s failure to complete Customer’s work by the agreed completion date, or failure to provide GPC timely notice of any schedule change.
 - B. **Underground Facility/Obstruction Not Subject to Dig Law.** Because GPC Activity may require excavation not subject to the Georgia Utility Facility Protection Act (O.C.G.A. §§25-9-1 – 25-9-13) (“**Dig Law**”), **Customer must mark any private utility or facility (e.g., gas/water/sewer line; irrigation facility; fiber/data/communication line) or other underground obstruction at the Premises that is not subject to the Dig Law.** If GPC causes or incurs damage due to Customer’s failure to mark a private facility or obstruction before GPC commences GPC Activity, Customer is responsible for all damages and any loss or damage resulting from any such delay.
 - C. **Unforeseen Condition.** The estimated charges shown on Page 1 include no allowance for subsurface rock, wetland, underground stream, buried waste, unsuitable soil, underground obstruction, archeological artifact, burial ground, threatened or endangered species, hazardous substance, or similar condition (“**Unforeseen Condition**”). If GPC encounters an Unforeseen Condition in connection with any GPC Activity, GPC, in its sole discretion, may stop all GPC Activity until Customer either remedies the condition or agrees to reimburse all GPC costs arising from the condition. Customer is responsible for all costs of modification or change to GPC Assets requested by Customer or dictated by an Unforeseen Condition or circumstance outside GPC’s control.
7. **GPC Asset Protection and Damage.** Throughout the Term, in the event of any work or digging near GPC Assets, Customer (or any person or entity working on Customer’s behalf) must: (i) provide notices and locate requests to the Georgia Utilities Protection Center (“**UPC**”) and other utility owners or operators as required by the then-current Dig Law; (ii) coordinate with the UPC and any utility facility owner/operator as required by the Dig Law; and (iii) comply with the High-voltage Safety Act (O.C.G.A. §§46-3-30 – 46-3-40). As between Customer and GPC, Customer is responsible for any damage arising from failure to comply with applicable law or for damage to GPC Assets caused by anyone other than GPC or a GPC contractor, agent, or representative.
8. **Pole Attachments.** Nothing in this Agreement conveys to Customer any right to attach or affix anything to any GPC Asset. Customer agrees that it will not, and will not permit others to, rearrange, disconnect, remove, relocate, repair, alter, tamper with, or otherwise interfere with any GPC Asset. If Customer desires to attach or affix anything to GPC Assets, Customer must first obtain GPC’s written consent. Customer may call GPC Lighting and Smart Services business unit at 1-888-660-5890 to request consent.
9. **Interruption of Service.** Customer understands that Service is provided on an “as is” and “as available” basis and may be interrupted. If there is a Service interruption, Customer must notify GPC. Following notice, GPC will restore Service, at no cost to Customer. Customer may notify GPC by either calling 1-888-660-5890 or by reporting online at: <https://www.georgiapower.com/community/outages-and-stormcenter/power-outage-overview/street-light-outage.html>.
10. **Disclaimer; Damages.** **GPC makes no covenant, warranty, or representation of any kind (including warranty of fitness for a particular purpose, merchantability, or non-infringement) regarding Service, GPC Assets, or any GPC Activity.** Customer acknowledges that, due to the unique characteristics of the Premises, Customer’s needs, or selection of GPC Assets, the Service may not follow IESNA guidelines. **Customer waives any right to consequential, special, indirect, treble, exemplary, incidental, punitive, loss of business reputation, interruption of Service or loss of use (including loss of revenue, profits, or capital costs) damages in connection with the loss or interruption of Service, GPC Assets, or this Agreement, or arising from damage, hindrance, or delay involving the Service, GPC Assets, or this Agreement, whether or not reasonable, foreseeable, contemplated, or avoidable.** To the extent GPC is liable under this Agreement, and to the extent allowed by applicable law, GPC’s liability is expressly limited to: (i) with respect to the Service purchased by Customer, the annual amount paid by Customer for the Service; or (ii) with respect to any other liability, to proven direct damages in an amount not to exceed \$100.00. Customer is solely responsible for safety of the Premises; Customer agrees that GPC has no obligation to ensure safety of the Premises and that GPC has no liability for any personal injury, real or personal property damage or loss, or negative impact to Customer or any third party that occurs at the Premises.
11. **Risk Allocation.** Each party will be responsible for its own acts and the results of its acts, except as otherwise described in this Agreement.
12. **Georgia Security, Immigration, and Compliance Act.** Customer is a “public employer” as defined by O.C.G.A. § 13-10-91 and this is a contract for physical performance of services in Georgia. Compliance with O.C.G.A. § 13-10-91 is a condition of this Agreement and is mandatory. GPC will provide to Customer a contractor’s affidavit for installation services as required by O.C.G.A. § 13-10-91. If GPC employs any subcontractor in connection with installation under this Agreement, GPC also will secure from each subcontractor an affidavit attesting to compliance with O.C.G.A. § 13-10-91.
13. **Default.** Customer is in default if Customer: (i) does not pay the entire amount owed to GPC within 45 days after the due date; (ii) terminates this Agreement without proper notice and prior to the end of the then-current Term; or (iii) breaches any material term, warranty, covenant, or representation of this Agreement. GPC’s waiver of a past or concurrent default will not waive any other default. If a default occurs, GPC may: (a) immediately terminate this Agreement; (b) remove any GPC Asset from the Premises; or (c) seek any available remedy provided by law, including the right to collect any past due amount, or any amount due for the Service during the remaining Term.
14. **Miscellaneous.** This Agreement contains the parties’ entire agreement relating to the Service, GPC Assets, and GPC Activity and replaces any prior agreement, written or oral. Subject to applicable law, GPC may modify the terms of this Agreement by providing 30 days’ prior written notice of such modification to Customer. If Customer uses the Service or makes any payment for the Service on or after the modification effective date, Customer accepts the modification. GPC’s address for notice is 1790 Montreal Circle, Tucker, GA 30084-6801; Customer’s address for notice is stated on Page 1. Either party may update administrative or contact information (e.g., address, phone, website) at any time by written notice to the other. Customer will not assign, in whole or in part, this Agreement or any right or obligation it has under this Agreement; any such assignment without GPC’s prior written consent will be void and of no effect. In this Agreement: (i) “**include(ing)**” means “include, but are not limited to” or “including, without limitation”; (ii) “**or**” means “either or both” (“A or B” means “A or B or both A and B”); (iii) “**e.g.**” means “for example, including, without limitation”; and (iv) “**written**” or “**in writing**” includes email communication. Georgia law governs this Agreement. If a court rules an Agreement provision unenforceable to any extent, the rest of that provision and all other provisions remain effective.



Plan View
Scale - 1" = 175ft

Schedule								
Symbol	Label	QTY	Catalog Number	Description	Number Lamps	Lumens per Lamp	LLF	Wattage
	A	23	ARCH-M-PA2-130-740-U-T3	ARCHEON-M ROADWAY AND AREA LUMINAIRE (2) 70 CRI, 4000K, 845mA LIGHT ENGINES WITH 16 LEDS AND TYPE III OPTICS	48	400	0.912	262
	B	1	ARCH-M-PA2-130-740-U-T3	ARCHEON-M ROADWAY AND AREA LUMINAIRE (2) 70 CRI, 4000K, 845mA LIGHT ENGINES WITH 16 LEDS AND TYPE III OPTICS	48	400	0.912	131

Statistics							
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min	
Calc Zone #1	+	1.5 fc	3.9 fc	0.4 fc	9.8:1	3.8:1	

- Notes**
1. Readings are shown in units of maintained footcandles.
 2. Total Light Loss Factor (LLF) = .912 LLF for LED
 3. Test Plane = 0' Above grade
 4. Fixture Mounting Height = See Plan view.
 5. Fixture Spacing = See Plan view.
 6. This photometric layout was calculated using specific criteria. Any deviation from stated parameters will affect actual performance.
 7. These lighting calculations are not a substitute for independent engineering analysis of lighting system suitability and safety.

Disclaimer
This lighting design is not a professional engineering drawing and is provided for informational purposes only, without warranty as to accuracy, completeness, reliability or otherwise. Frazier Photometrics is not responsible for specifying the lighting or illumination requirements for any specific project. It is the obligation of the end-user to consult with a professional engineering advisor to determine whether this lighting design meets the applicable project requirements for lighting system performance, safety, suitability and effectiveness for use in a particular application. End-user environment and application (including, but not limited to, voltage variation and dirt accumulation) can cause actual field performance to differ from the calculated photometric performance represented in this lighting design. In no event will Frazier Photometrics be held responsible for any loss resulting from any use of this lighting design.





MEMO

To: Honorable Mayor and City Council Members
From: Ken Hildebrandt, City Engineer
CC: Tami Hanlin, City Manager
Date: January 9, 2023
RE: Award of Task Order for Hugh Howell Road Trail Design – Phase 2

Description for on Agenda:

Award of a task order for the engineering design of Hugh Howell Road Trail – Phase 2

Issue:

Award of Task Order #1 to Thomas & Hutton in the amount of \$105,700.

Recommendation:

Staff recommends awarding Task Order #1 to Thomas & Hutton in the amount of \$105,700.

Background:

This trail design is for a continuation of the trail identified as Segment 4 in the Trail Master Plan. The trail will ultimately link downtown Tucker to Stone Mountain along Hugh Howell Road.

Summary:

This design will actually be for two sections on Hugh Howell Road:

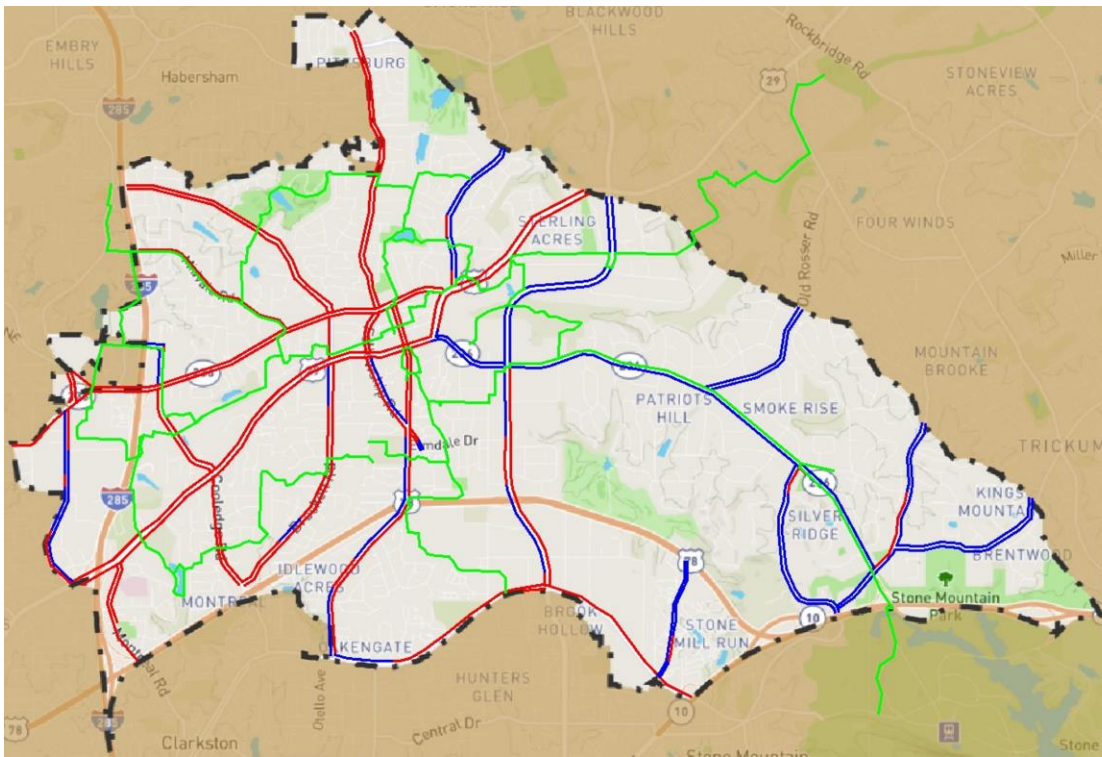
Section 1 – Fill a 720' gap between Hugh Howell Marketplace and Smoke Rise Elementary School

Section 2 – Extend the existing trail eastward 1,920 feet from Marthasville Court to Stratmor Drive

Construction plans will include a topographic survey, Subsurface Utility Engineering, erosion control plans, stormwater improvements, and right-of-way plans if required.

Financial Impact:

\$105,700 will be funded from the Capital Projects Trail account (CE2307; GL # 300-4100-54.14000).



Existing
Sidewalk:Red

Needed
Sidewalk:Blue

Proposed Trail:
Green



**PROFESSIONAL ENGINEERING SERVICES
CONTRACT AGREEMENT (RFQ #2022-018)
TASK ORDER #01
HUGH HOWELL ROAD TRAIL PHASE 2**

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 THOMAS AND HUTTON ("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:

Section 1: From the end of the existing 10-foot trail in front of Hugh Howell Marketplace to the existing 10-foot trail at Smoke Rise Elementary School (approximately 720 L.F.)

Section 2: From Marthasville Court to Stratmor Drive (approximately 1,920 L.F.)

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:

Preparation of a survey database, final construction and right-of-way plans, and Subsurface Utility Engineering (SUE) Quality Level B (Non-GDOT Submittal) for each section/location.

CONSULTANT Deliverables to CITY

- All electronic documents, project files, cad files, electronic files, and permits associated with this project

Design Specifications and Guidelines: The database preparation and concept plans will be performed on an hourly basis utilizing the previously approved rates from RFQ #2022-018 with a Not to Exceed amount as follows:

Section 1 Not to Exceed Fee	\$ 33,555.00
Section 2 Not to Exceed Fee	\$ 72,145.00
Total Not to Exceed Fee	<u>\$105,700.00</u>

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 will be completed within 180 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 (hereinafter referred to as the “Schedule for Completion”), excluding City review time. The Schedule for Completion will be revised to reflect the actual NTP date and will be updated as required throughout the project duration.

Every 30 days commencing with the execution of the 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 accomplish all of the pre-construction activities for the TASK ORDER as part of the WORK. The pre-construction activities shall be accomplished in accordance with the all local codes and ordinances (where applicable), 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 the 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 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:

- Thomas and Hutton: Scope of Work and Fee Proposal

CONSULTANT:

CITY:

By: _____

By: _____

Title: _____

Title: _____

Name: _____

Name: _____

Date: _____

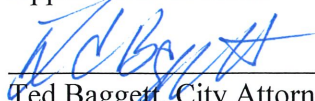
Date: _____

Attest: _____

Bonnie Warne, City Clerk

(Seal)

Approved as to form:



Ted Baggett, City Attorney



5074 BRISTOL INDUSTRIAL WAY, SUITE A
BUFORD, GA 30518 | 770.271.2868
WWW.THOMASANDHUTTON.COM

January 3, 2023

Mr. Ken Hildebrandt, PE, PTOE
City Engineer
City of Tucker
4228 First Avenue
Tucker, Georgia 30084
KHildebrandt@Tuckerga.gov

Re: Hugh Howell Road Trail Phase 2
Sections 1 and 2
City of Tucker, Georgia
Letter Agreement for Services

Dear Mr. Hildebrandt:

Thank you for requesting our land surveying and engineering services for the design of approximately 2,640 linear feet of sidewalk along the northern side of Hugh Howell Road for the sections listed below. This project will be locally funded.

Section 1: From the end of the existing 10-foot trail in front of Hugh Howell Marketplace to the existing 10-foot trail at Smoke Rise Elementary School (approximately 720 L.F.)

Section 2: From Marthasville Court to Stratmor Drive (approximately 1,920 L.F.)

Our services will consist of the preparation of a survey database, final construction and right-of-way plans, and Subsurface Utility Engineering (SUE) Quality Level B (Non-GDOT Submittal) for each location, as set forth in the supplemental exhibits attached hereto, and such additional services as you may request during the course of the Project. We understand that you will furnish Thomas & Hutton with full information as to your requirements, including any special or extraordinary considerations for the Project and will make all pertinent existing data available to us.

Payment for our services will be as described in our contract with the City of Tucker. Please reference the task list and manhour breakdown for development of professional fees.

Section 1:

<u>Task</u>	<u>Fee Structure</u>	<u>Estimated Fee</u>
Survey Database:	Hourly Estimate	\$ 9,195.00
Final Construction Plans:	Hourly Estimate	\$ 24,360.00
		<u>Estimated Fee: \$33,555.00</u>

Section 2:

<u>Task</u>	<u>Fee Structure</u>	<u>Estimated Fee</u>
Survey Database:	Hourly Estimate	\$ 19,795.00
Final Construction Plans:	Hourly Estimate	\$ 52,350.00
		<u>Estimated Fee: \$72,145.00</u>

Mr. Ken Hildebrandt, PE, PTOE
City of Tucker
Letter Agreement for Services
January 3, 2023
Page 2

The above fee arrangements are based on prompt payment of our invoices and the orderly and continuous progress of the Project through completion.

It is necessary that you advise us in writing at an early date if you have budgetary limitations for the overall project cost or construction cost. We will endeavor to work within those limitations. At appropriate times during the Design Phase, we will submit to you our opinions as to the probable Construction Cost of the Project. We do not guarantee that our opinions will not differ materially from bids or negotiated prices.

This proposal between the City of Tucker ("Client"), and Thomas & Hutton Engineering Co. ("Consultant" or "Thomas & Hutton"), consisting of the Scope of Services, the contract for RFQ 22-018 On-Call Engineering Services, and this Letter Agreement, represents the entire understanding between Client and Thomas & Hutton with respect to the Project. This Letter Agreement may only be modified if completed in writing and signed by both parties.

Thomas & Hutton will begin work on this Project upon receipt of a Notice to Proceed.

We appreciate the opportunity to prepare this proposal and look forward to working with you on this project.

Respectfully,

THOMAS & HUTTON ENGINEERING CO.

By 
James C. Garrison, III, P.E., LEED AP® BD+C
Principal/Project Manager

JCG/jcg

Enclosures: Scope of Services

SCOPE OF SERVICES

1. SCOPE OF SERVICES

A. Survey Database

Consultant will provide the following services based on the proposed 10-foot trail being located along the northern side of Hugh Howell Road. The proposed survey corridors are as follows:

Section 1: North side of Hugh Howell Road. Corridor width of approximately 55-feet from the existing centerline of Hugh Howell Road from the end of the existing 10-foot trail in front of Hugh Howell Marketplace to the existing 10-foot trail at Smoke Rise Elementary School (approximately 720 L.F.)

Section 2: North side of Hugh Howell Road. Corridor width of approximately 55-feet from the existing centerline of Hugh Howell Road from Marthasville Court to Stratmor Drive (approximately 1,920 L.F.)

1. Topographic Survey and Utility Location

A field-run topographic survey will be prepared for database development. The following tasks will be provided:

- 1) Establish Survey Control.
- 2) Provide property research for adjoining owners.
- 3) Field-run topographic survey for the project corridor. Data collected shall be sufficient for a 1-foot contour interval.
- 4) Field survey visible planimetric features including existing edge of pavements, centerline of roads, curb and gutters, sidewalks, signs, etc.
- 5) Field survey existing storm drainage systems (types, sizes, inverts, and end treatments) located within the survey corridor.
- 6) Field survey for front property evidence.
- 7) Develop a Digital Terrain Model (DTM) in electronic format.
- 8) Prepare property database in electronic format.
- 9) Survey above ground utility features including poles, risers, boxes, valves, manholes, etc.
- 10) Provide Subsurface Utility Engineering (SUE) Quality Level B (Non-GDOT Format) within each project corridor.
- 11) Depict utility pole connectivity.
- 12) Depict sanitary sewer and storm drain connectivity.

2. Property Database

Surveyor will prepare a property database for the existing parcels within the project limits (up to 14 parcels). Property resolution will be by deed/plat research and location of front property evidence (if present). Boundary surveys for right-of-way acquisition (non-GDOT format) are not a part of the scope of work.

B. Construction Plans

Consultant will prepare Construction Plans as described below.

- 1) Provide Construction Plans based on the approved project descriptions for Sections 1 and 2. These plans include the following:
 - a) Prepare Typical Section for the proposed trail as follows: 10-foot wide trail with a 5-foot grassed strip/buffer from the edge of the existing curb and gutter and one-foot beyond the edge of the trail to the shoulder break point.

Please note for Section 1 we anticipate the City will request the replacement of the existing granite curbing with concrete curb and gutter. This will correct the substandard curb reveal due to previous overlay(s) of Hugh Howell Road.

Section 2 will incorporate 30-inch concrete curb and gutter.
 - b) Utility Plans based on SUE Level B data collected.
 - c) Erosion Control Plans and associated details.
 - d) Preliminary construction plans to include Cover Sheet, Index, Roadway Plans, Roadway Cross-Sections (50-foot intervals), and Signing & Marking Plans. Roadway profiles are not required.
 - e) Longitudinal drainage design is not anticipated for Section 1 due to the presence of existing catch basins and underground storm drainage piping.
 - f) Section 2 includes retaining wall plan and profile for Georgia Department of Transportation (GDOT) Standard Gravity Retaining Wall 9031L. Note: foundation design/geotechnical investigation not required for GDOT Standard Gravity Retaining Walls.
- 2) Provide limits of cut/fill and required right-of-way and/or easements necessary to construct the project.
- 3) Prepare a final quantity take-off (included in the plan set) and develop an Opinion of Construction Costs estimate.
- 4) Prepare a brief report addressing MS4 compliance or infeasibility.
- 5) Submit a 24"x36" pdf plan set to the City of Tucker for review and comment.
- 6) Address City review comments and issue Final Construction Plans in pdf format.

C. Final Right-of-Way Plans

Consultant will prepare Final Right-of-Way Plans to include a GDOT style legal description for property to be acquired. Station and Offset will define construction and driveway easements.

- 1) Since individual boundary surveys are not required, the metes and bounds descriptions for each property will be defined by point numbers and incorporated into data sheets, which are part of the final plan set for the project.
- 2) Prepare 8 ½" x 11" right-of-way exhibit plats for parcels with required right-of-way and/or easements. These exhibits are not individual property surveys, rather an 8 ½" x 11" sheet showing the information contained within the right-of-way plans for each individual property that requires land acquisition.
- 3) Right-of-Way staking or revisions are not required but can be provided as an Additional Service.

D. Exclusions

Unless a specific scope is included in this Agreement, these items are **not** included in the Scope of Services:

- Environmental document, endangered species survey and report, archaeological survey and report, 404 Permitting, or a Stream Buffer Variance
- Wetland delineation, surveys, or permits
- Geotechnical investigation, infiltration analysis, or report
- Phase I or Phase II UST or Environmental Assessment Reports
- Approvals or permits, including Land Disturbance Permits, other than those related to the Scope of Services covered by this Agreement
- Utility relocation plans
- Right-of-way or easement staking or right-of-way plan revisions due to negotiations with property owners
- Construction observation or monitoring
- Infiltration testing of existing soils for MS4 compliance
- GDOT Encroachment Permit

These items can be coordinated or provided, if requested by Client in writing.

z:\30603\30603.rfpq\documents\task order\hugh howell road trail phase 2\30603 hugh howell road trail phase 2 scope of work.docx


1 of 7

Task 1 - Survey and Database Preparation										
TASK	Estimated Hours to Complete									
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew	
Establish Horizontal and Vertical Survey Control								2	2	
Field Verify Obscured Areas										
Prepare Hydraulic Engineering Field Report										
Perform Field Surveys										8
Perform Hydraulic Surveys										
Perform Bridge Surveys										
Perform SUE Level B								2	2	10
Develop Concept Plan for Driveway Access										
Obtain Plats and Deeds										
Survey R/W and Property Data										6
Prepare R/W and Property Database (3 prcls)										2
Notify Property Owners										16
Stake the Right of Way and Easements										
Perform QC/OA Review									1	
Address QC/OA Comments										
Coordinate with Railroad										
Coordinate with One-Call Center (811)										
Coordinate with Utility Companies										
Coordinate with Georgia Power Company										
Coordinate with Colonial Pipeline										
Coordinate with SUE Subconsultant										
Coordinate with Mapping Subconsultant										
General Project Management		1								
Project Schedule Administration										
Coordination with City of Tucker										
Meetings with Client										
Meetings with GDOT										
Printing and Plotting										
Submittal Administration										
Total:	0	1	0	0	0	0	0	0	27	22
Total Number of Parcels (Estimated):										
Labor Hours per Parcel:										
										3
										16.7

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Task 2 - Construction Plans


TASK	Estimated Hours to Complete								
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew
Cover Sheet				3					
Index Sheet									
Revision Summary Sheet									
General Notes				2					
Typical Sections			1	3					
Summary of Quantities			1	4					
Construction Layout/Stakeout Sheet									
Mainline Horizontal Geometry									
Mainline Vertical Geometry									
Mainline Cross-Sections									
Side Street Horizontal Geometry									
Side Street Vertical Geometry									
Side Street Cross-Sections									
Driveway Geometry									
Driveway Profiles									
General Construction Plan Preparation			8	40					
Drainage Area Maps				4					
Longitudinal Drainage Design									
Gutterspread Calculations									
Roadway Ditch Design									
Cross-Drain Layout									
Culvert Hydraulics									
Longitudinal Drainage Profiles									
Cross Drain Profiles									
Storm Water Management Design/MS4			12						
Address MS4 Review Comments			4						
Culvert H&H Report									
Storm Water Details									
Construction Staging Plans									
Construction Staging Cross-Sections									
Earthwork Quantities by Stage Construction									
Maintenance of Traffic Details									
Prepare Detour Report									
ESPC Plans Phase 1				4					
ESPC Plans Phase 2				4					
ESPC Plans Phase 3				4					
Sediment Basin Design									
ESPC General Notes				1					
ESPC Details				1					

<div>  Task 2 - Construction Plans </div>										
TASK	Estimated Hours to Complete									
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew	
NPDES Maps										
NPDES Sampling Points										
Utility Plans to Utility Companies										
Review Utility Mark-ups										
Utility Plan Preparation										
Perform Utility Impact Analysis										
Prepare Georgia Power Encroachment Permit										
Prepare Petroleum Pipeline Crossing Permit										
Update Utility Cost Estimate										
Signing and Marking Plans										
Signing and Marking Details										
Prepare Traffic Signal Warrant Report										
Traffic Signal Plans										
Incorporate Signal Plans										
Incorporate ATMS/ITS Plans										
Prepare Lighting Plans										
Soil Survey										
Pavement Design										
Prepare Right-of-Way Plans				8						
Prepare 8 1/2"x11" Exhibits				8						
QC/QA Right-of-Way Plans			1							
Prepare Construction Cost Estimate			1	6						
Perform Constructability Review										
Perform QC/QA Review		2								
Address Constructability Review Comments										
Address QC/QA Comments				2						
FPR Request										
FPR Meeting										
FPR Report Review										
FPR Responses										
Stake Side Street Centerlines										
Coordinate with Railroad										
Coordinate with Utility Companies										
Coordinate with Georgia Power Company										
Coordinate with Colonial Pipeline										

Task 2 - Construction Plans										
TASK	Estimated Hours to Complete									
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew	
Coordinate with Environmental Subconsultant										
Coordinate with Traffic Subconsultant										
Coordinate with Bridge Subconsultant										
Coordinate with Right-of-Way Subconsultant										
Coordinate with Geotechnical Subconsultant										
Coordinate with SUE Subconsultant										
Coordinate with Mapping Subconsultant										
Prepare Design Variance Report										
Prepare Design Exception report										
Prepare GDOT Special Encroachment Permit										
Prepare Draft Special Provisions										
General Project Management		2								
Prepare Project Management Plan										
Prepare Quality Control Plan										
Project Schedule Administration										
Coordination with City of Tucker										
Meetings with Client										
Meetings with GDOT										
Printing and Plotting				1						
Submittal Administration				1						
Total:	0	4	28	96	0	0	0	0	0	0
Total Number of Sheets (Estimated):										
Labor Hours per Sheet:										
										22
										5.8

Hugh Howell Road Trail - Phase 2 (Section 1)												
City of Tucker												
TH Project No. 30603.0000												
Composite of All Phases												
Item/ Task Description	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew	Total Hours	Total Cost	% of Total
Task 1 - Survey and Database Preparation	0	1	0	0	0	0	0	27	22	50	\$9,195.00	28.09%
Task 2 - Construction Plans	0	4	28	96	0	0	0	0	0	128	\$24,360.00	71.91%
										Total Project Cost:	<u>\$33,555.00</u>	
Totals	0	5	28	96	0	0	0	27	22	178		100%


Hugh Howell Road Trail - Phase 2 (Section 2)				
City of Tucker				
TH Project No. 30603.0000				
Thomas & Hutton				
Task 1 - Survey and Database Preparation				
Direct Labor Costs				
Personnel	Est Hours	Rate/Hr	Cost (\$)	Totals
Principal In Charge	0	\$240.00	\$0	
Project Manager	1	\$215.00	\$215	
Senior Engineer	0	\$205.00	\$0	
Engineer	0	\$185.00	\$0	
General Admin.	0	\$115.00	\$0	
Landscape Architect	0	\$185.00	\$0	
Field Technician	0	\$140.00	\$0	
Survey Manager	57	\$190.00	\$10,830	
2P Survey Crew	50	\$175.00	\$8,750	
Subtotal				\$19,795
Total Direct Labor				\$19,795
Overhead (Indirect Cost on Labor Above)				0.00%
Labor X Overhead Rate = Overhead Cost (\$)				\$0
Total Direct Labor Plus Overhead				\$19,795
Total Estimated Cost				\$19,795
Amount of Contract Proposal				\$19,795.00

<div>  <div>Task 1 - Survey and Database Preparation</div> </div>										
TASK	Estimated Hours to Complete									
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew	
Establish Horizontal and Vertical Survey Control									2	2
Field Verify Obscured Areas										
Prepare Hydraulic Engineering Field Report										
Perform Field Surveys										24
Perform Hydraulic Surveys										
Perform Bridge Surveys										
Perform SUE Level B								4		16
Develop Concept Plan for Driveway Access										
Obtain Plats and Deeds								8		
Survey R/W and Property Data										8
Prepare R/W and Property Database (11 prcls)								40		
Notify Property Owners										
Stake the Right of Way and Easements										
Perform QC/QA Review								3		
Address QC/QA Comments										
Coordinate with Railroad										
Coordinate with One-Call Center (811)										
Coordinate with Utility Companies										
Coordinate with Georgia Power Company										
Coordinate with Colonial Pipeline										
Coordinate with SUE Subconsultant										
Coordinate with Mapping Subconsultant										
General Project Management		1								
Project Schedule Administration										
Coordination with City of Tucker										
Meetings with Client										
Meetings with GDOT										
Printing and Plotting										
Submittal Administration										
Total:	0	1	0	0	0	0	0	57	50	
Total Number of Parcels (Estimated):										11
Labor Hours per Parcel:										9.8

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Task 2 - Construction Plans

TASK	Estimated Hours to Complete								
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew
Cover Sheet				4					
Index Sheet									
Revision Summary Sheet									
General Notes			1	2					
Typical Sections			1	3					
Summary of Quantities			1	8					
Construction Layout/Stakeout Sheet									
Mainline Horizontal Geometry									
Mainline Vertical Geometry									
Mainline Cross-Sections									
Side Street Horizontal Geometry									
Side Street Vertical Geometry									
Side Street Cross-Sections									
Retaining Wall Plan and Profile			2	16					
Driveway Profiles				12					
General Construction Plan Preparation			8	80					
Drainage Area Maps				8					
Longitudinal Drainage Design									
Gutterspread Calculations				4					
Roadway Ditch Design									
Cross-Drain Layout									
Culvert Hydraulics									
Longitudinal Drainage Profiles				18					
Cross Drain Profiles									
Storm Water Management Design/MS4			16						
Address MS4 Review Comments			4						
Culvert H&H Report									
Storm Water Details									
Construction Staging Plans									
Construction Staging Cross-Sections									
Earthwork Quantities by Stage Construction									
Maintenance of Traffic Details									
Prepare Detour Report									
ESPC Plans Phase 1				8					
ESPC Plans Phase 2				8					
ESPC Plans Phase 3				8					
Sediment Basin Design									
ESPC General Notes				2					
ESPC Details				2					

<div>  Task 2 - Construction Plans </div>										
TASK	Estimated Hours to Complete									
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew	
NPDES Maps										
NPDES Sampling Points										
Utility Plans to Utility Companies										
Review Utility Mark-ups										
Utility Plan Preparation										
Perform Utility Impact Analysis										
Prepare Georgia Power Encroachment Permit										
Prepare Petroleum Pipeline Crossing Permit										
Update Utility Cost Estimate										
Signing and Marking Plans										
Signing and Marking Details										
Prepare Traffic Signal Warrant Report										
Traffic Signal Plans										
Incorporate Signal Plans										
Incorporate ATMS/ITS Plans										
Prepare Lighting Plans										
Soil Survey										
Pavement Design										
Prepare Right-of-Way Plans					16					
Prepare 8 1/2"x11" Exhibits					16					
QC/QA Right-of-Way Plans			2							
Prepare Construction Cost Estimate			2		8					
Perform Constructability Review										
Perform QC/QA Review		4								
Address Constructability Review Comments										
Address QC/QA Comments				8						
FPR Request										
FPR Meeting										
FPR Report Review										
FPR Responses										
Stake Side Street Centerlines										
Coordinate with Railroad										
Coordinate with Utility Companies										
Coordinate with Georgia Power Company										
Coordinate with Colonial Pipeline										

Task 2 - Construction Plans

TASK	Estimated Hours to Complete								
	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew
Coordinate with Environmental Subconsultant									
Coordinate with Traffic Subconsultant									
Coordinate with Bridge Subconsultant									
Coordinate with Right-of-Way Subconsultant									
Coordinate with Geotechnical Subconsultant									
Coordinate with SUE Subconsultant									
Coordinate with Mapping Subconsultant									
Prepare Design Variance Report									
Prepare Design Exception report									
Prepare GDOT Special Encroachment Permit									
Prepare Draft Special Provisions									
General Project Management		2							
Prepare Project Management Plan									
Prepare Quality Control Plan									
Project Schedule Administration									
Coordination with City of Tucker									
Meetings with Client									
Meetings with GDOT									
Printing and Plotting				2					
Submittal Administration				2					
Total:	0	6	37	235	0	0	0	0	0
Total Number of Sheets (Estimated): 49									
Labor Hours per Sheet: 5.7									

Hugh Howell Road Trail - Phase 2 (Section 2)												
City of Tucker												
TH Project No. 30603.0000												
Composite of All Phases												
Item/ Task Description	Principal In Charge	Project Manager	Senior Engineer	Engineer	General Admin.	Landscape Architect	Field Technician	Survey Manager	2P Survey Crew	Total Hours	Total Cost	% of Total
Task 1 - Survey and Database Preparation	0	1	0	0	0	0	0	57	50	108	\$19,795.00	27.98%
Task 2 - Construction Plans	0	6	37	235	0	0	0	0	0	278	\$52,350.00	72.02%
Total Project Cost:											\$72,145.00	
Totals	0	7	37	235	0	0	0	57	50	386		100%



MEMO

To: Honorable Mayor and City Council Members
From: Courtney Smith, Community Development Director
CC: Tami Hanlin, City Manager
Date: December 5, 2022
RE: Memo for CFA Modification, SLUP-22-0003

Description for on Agenda:

Second read and public hearing of an ordinance for a major modification (SLUP-22-0003) in Land Lot 214 of the 18th District to allow a change in conditions pursuant to SLUP-21-0004 for a drive-through restaurant at 4435 High Howell Road and 2239 Dillard Street.

Issue:

The applicant is requesting a major modification to change condition #16 from SLUP-21-0004. The requested amendment specifically relates to obtaining a portion of property from 4445 Hugh Howell to dedicate as right-of-way and closing a curb cut along the same property frontage.

The applicant's request is to modify condition 16 as follows:

16. Owner/Developer shall construct a northbound right turn lane on Rosser Terrace at the intersection of Hugh Howell Road, subject to the approval of the City Engineer and the Georgia Department of Transportation. ~~Additional right-of-way dedication from back of curb of the right turn lane and the closure of the curb cut adjacent to the right turn lane shall be required.~~

Recommendation:

Staff recommends approval to modify conditions 1, 16, and 17.
Planning Commission recommends approval as well.

Background:

The approved site plan, dated May 6, 2022, showed the applicant acquiring approximately 641 square feet of land from 4445 Hugh Howell to then dedicate as right-of-way as part of the construction of the northbound right turn lane. The additional dedication would allow room for a sidewalk to be constructed behind the new northbound right turn lane, which the applicant also showed on the May 6, 2022 site plan. The applicant has stated they have been unable to come to an agreement with the owner of 4445 Hugh Howell that would allow them to fully comply with condition #16.

If the modification is approved, Chick-fil-A would not obtain property from the neighboring parcel (4445 Hugh Howell Road), would not close the northernmost curb cut along the western property line of the aforementioned property, and would not construct the sidewalk behind the right turn lane. However, Chick-fil-A would still construct the northbound right turn lane. The

site plan submitted with this modification shows the right turn lane would have storage length of approximately 64' and a taper of approximately 50'. Although the proposed overall length of the right turn lane has increased, from 90' to 114', the added taper will result in one less car being able to queue in the dedicated right turn lane.

Summary:

The modification of condition #16, while not ideal, would not have a major impact to existing land uses along the access routes to the site and would not limit ingress and egress from the site as the northbound right turn lane, southbound deceleration lane, and limited access driveway (right in/left out) would still be constructed/required. Sufficient right-of-way currently exists along Rosser Terrace to build the northbound right turn lane without the sidewalk behind it. Therefore, Staff recommends APPROVAL WITH CONDITIONS of the requested SLUP modification.

Condition 1 needs to change to reference the date of the current site plan.

Condition 17 needs to change to provide clearer language regarding the dedication of right-of-way.



Land Use Petitions: SLUP-22-0003

Staff Recommendation Preparation: November 9, 2022

Planning Commission: November 17, 2022

Mayor and City Council, 1st Read: December 12, 2022

Mayor and City Council, 2nd Read: TBD

PROJECT LOCATION:	4435 Hugh Howell Road and 2239 Dillard Street
DISTRICT/LANDLOT(S):	18 th District, Land Lot 214
ACREAGE:	±2.33
EXISTING ZONING	DT-2 (Downtown Corridor Zone) and C-1 (Local Commercial)
EXISTING LAND USE	Former Restaurant and existing contractor's office
CURRENT FUTURE LAND USE DESIGNATION:	Downtown and Suburban
OVERLAY DISTRICT:	N/A
APPLICANT:	Chick-fil-A, Inc. c/o Jennifer Santelli
OWNER:	Chick-fil-A, Inc.
PROPOSED DEVELOPMENT:	Major modification to approved conditions of zoning for SLUP-21-0004.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

BACKGROUND

In August of 2021, a Special Land Use Permit application with four concurrent variances was submitted to allow for the development of a Chick-fil-A at 4435 Hugh Howell Road (SLUP-21-0004, CV-21-0002, CV-21-0003, CV-21-0004, & CV-22-0006). The request went through several revisions and had a total of 12 public hearings, before being approved with twenty-one conditions on June 13, 2022 (O2021-10-22). Several of these public hearings were a result of deferrals in order to explore the closing of Rosser Terrace and the addition of a second parcel to the development proposal (2239 Dillard Street).

The approved project includes a new, ±4,978-square foot Chick-fil-A restaurant with two drive-through lanes (which allow room for 40 stacking spaces), one bypass lane, 62 parking spaces, as well as order and pick up canopies. The site will be accessed via two points, from Rosser Terrace and Dillard Street.

PROJECT DATA

The applicant is requesting a major modification to change condition #16 from SLUP-21-0004. The requested amendment specifically relates to obtaining a portion of property from 4445 Hugh Howell to dedicate as right-of-way and closing a curb cut along the same property frontage.

The applicant's request is to modify condition 16 as follows:

16. Owner/Developer shall construct a northbound right turn lane on Rosser Terrace at the intersection of Hugh Howell Road, subject to the approval of the City Engineer and the Georgia Department of Transportation. ~~Additional right-of-way dedication from back of curb of the right turn lane and the closure of the curb cut adjacent to the right turn lane shall be required.~~

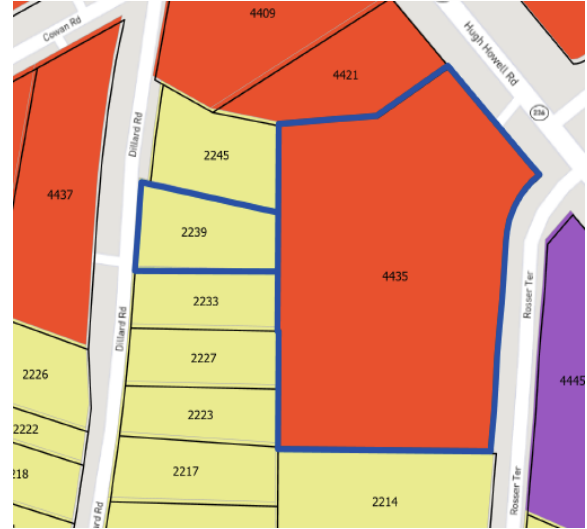
The approved site plan, dated May 6, 2022, showed the applicant acquiring approximately 641 square feet of land from 4445 Hugh Howell to then dedicate as right-of-way as part of the construction of the northbound right turn lane. The additional dedication would allow room for a sidewalk to be constructed behind the new northbound right turn lane, which the applicant also showed on the May 6, 2022 site plan. The applicant has stated they have been unable to come to an agreement with the owner of 4445 Hugh Howell that would allow them to fully comply with condition #16.

If the modification is approved, Chick-fil-A would not obtain property from the neighboring parcel (4445 Hugh Howell Road), would not close the northernmost curb cut along the western property line of the aforementioned property, and would not construct the sidewalk behind the right turn lane. However, Chick-fil-A would still construct the northbound right turn lane. The site plan submitted with this modification shows the right turn lane would have storage length of approximately 64' and a taper of approximately 50'. Although the proposed overall length of the right turn lane has increased, from 90' to 114', the added taper will result in one less car being able to queue in the dedicated right turn lane.

CHARACTER AREA (Future Land Use)

The subject parcels are located within the Downtown Character Area and Suburban Character Area on the future land use map.

The character areas do not speak to this specific condition; however, Goal 2 of the City of Tucker's Comprehensive Plan is to improve transportation connections. The approved site plan has two access points along Dillard Street and Rosser Terrace. The access on Dillard will allow customers to travel to the light at Cowen and Hugh Howell in order to make safer left turns than having to turn left onto Hugh Howell from Rosser Terrace. For patrons leaving the site via Rosser Terrace, a proposed 50' taper would be provided, in addition to a 64' stacking area, better differentiating the travel lanes and providing less congestion and confusion.



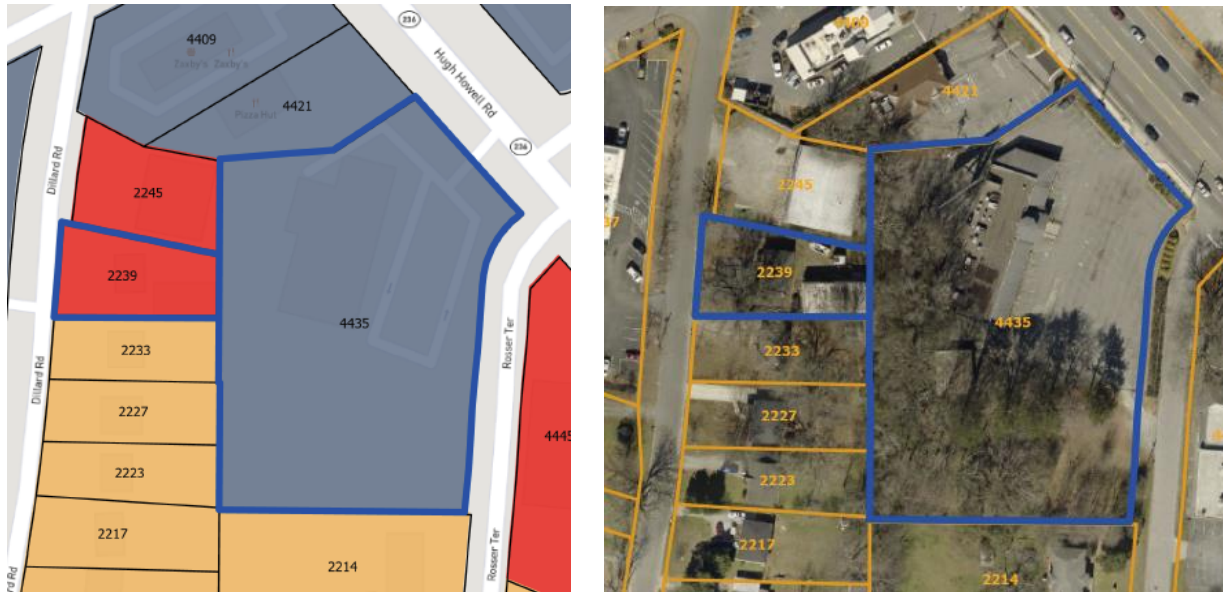
PUBLIC PARTICIPATION PLAN REPORT

Not required.

It should be noted that although a Public Participation meeting was not required, staff expanding the distance for the written notice requirement from 500' to 1,000' to inform residents of the proposed modification. This resulted in 155 letters being mailed.

Adjacent & Surrounding Properties	Zoning	Existing Land Use
Nearby: North	DT-2 (Downtown Corridor Zone); and C-1 (Local Commercial)	Tucker Plaza Shopping Center and commercial
Adjacent: Northwest	DT-2 (Downtown Corridor Zone)	Drive-through Zaxby's and empty commercial space (formerly Pizza Hut)
Adjacent: South	R-75	Single-family detached homes
Adjacent: East (across Rosser Terrace)	C-1 (Local Commercial)	Commercial & drive-through Wendy's
Adjacent: West and west across Dillard Street	R-75 (Residential Medium Lot – 75); and DT-2 (Downtown Corridor Zone)	residential single-family detached homes and Enzo's Pizza

NEARBY/SURROUNDING LAND ANALYSIS & ZONING



Zoning and Aerial Exhibits showing surrounding land uses.

Major Modification/Special Land Use Permit SLUP-22-0003:

CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT

The process and regulations for modifications and changes to approved conditions of zoning are outlined in Sec. 46-1565 of the City of Tucker Zoning Ordinance. This section falls under Division 3: Zoning and Comprehensive Plan Amendments and Procedures. Minor changes can be handled administratively, but major changes require the full public hearing process. Criteria (standards and factors) for 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.

Staff has reviewed the request with the criteria that is applicable to the requested modification:

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 project site is located at the southwestern intersection of Hugh Howell Road and Rosser Terrace and along Dillard Street. Hugh Howell, a major arterial road, has four travel lanes and a center turn lane. Rosser Terrace and Dillard Street are two-lane local roads. Due to the high volume of trips that Chick-fil-A generates, a deceleration lane into the development along Rosser Terrace and a northbound right-turn lane along Rosser Terrace were required. The applicant showed the acquisition of 641 square feet from 4445 Hugh Howell in order to construct the northbound right turn lane and install sidewalk behind the right turn lane. Dedication of

additional right-of-way is standard with this type of development to ensure the improvements are located entirely within the right-of-way.

Staff added the condition that the northernmost curb cut along the Rosser Terrace frontage of 4445 Hugh Howell be closed as it would be located along the right turn lane and could create negative traffic impacts from the competing traffic movements. However, the proximity to the stop sign at the intersection of Hugh Howell and the 25 mph speed limit along Rosser Terrace would limit that impact.

The applicant has stated they have been unable to come to an agreement with the owner of the neighboring property to obtain the 641 square feet and close the curb cut. However, the applicant still intends to construct the northbound right turn lane on Rosser Terrace to alleviate the high volume of traffic leaving the site.

Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

The subject property abuts residential lots along the southern and western property lines. In the neighborhood meeting for the first SLUP request, residents raised concerns regarding increased traffic queuing to turn onto Hugh Howell Road from Rosser Terrace. The applicant conducted a traffic study that found the addition of a right turn lane from northbound Rosser Terrace on to eastbound Hugh Howell Road would be necessary to help mitigate traffic.

Review of the current plan by the City Engineer confirmed that the removal of the right turn lane requirement could be detrimental to land uses along Rosser Terrace, but that the elimination of the other requirements of condition #16, although not ideal, would not create a major safety concern.

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 previous approval limits the development to one limited access driveway on Rosser Terrace (right in/left out) and one full access driveway on Dillard Street. The modification request would not impact this approved condition, or any other conditions regarding access in and out of the site.

CONCLUSION

The modification of condition #16, while not ideal, would not have a major impact to existing land uses along the access routes to the site and would not limit ingress and egress from the site as the northbound right turn lane, southbound deceleration lane, and limited access driveway (right in/left out) would still be constructed/required. Sufficient right-of-way currently exists along Rosser Terrace to build the northbound right turn lane without the sidewalk behind it. Therefore, Staff recommends **APPROVAL WITH CONDITIONS** of the requested SLUP modification.

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends of **APPROVAL WITH CONDITIONS** of Land Use Petition **SLUP-22-0003**.

Changes from SLUP-21-0004 are shown in bold.

1. The property shall be developed in general conformance with the site plan submitted on **October 24, 2022**, with revisions to meet these conditions.
2. The drive through facility may be located between the building and both Rosser Terrace and Hugh Howell, as shown on the May 6, 2022 site plan (CV-21-0002).
3. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip between the drive-through restaurant and both Hugh Howell Road and Rosser Terrace to screen the appearance of the drive-through lanes from the street.
4. The maximum building setback along Rosser Terrace shall be 66', as shown on the May 6, 2022 site plan (CV-21-0003).
5. Outdoor dining shall meet the requirements outlined in Section 46-998.
6. The drive-through establishment shall close no later than 10:00 p.m.
7. The Special Land Use Permit shall not be able to be transferred to another business.
8. Owner/ Developer shall provide direct pedestrian entrances from Hugh Howell Road and Rosser Terrace. The required pedestrian entrances must face the public street and provide ingress and egress.
9. Owner/Developer shall remove the existing billboard located on the northwestern portion of the property before/during the land development phase.
10. Inter-parcel access is not required (CV-21-0004).
11. The transitional buffer along the southern property line of 2239 Dillard Street shall be reduced from 50' to 24.4' (CV-22-0006). A 6' tall wood fence shall be installed on or near the southern property line.
12. Owner/Developer shall install a sidewalk along the drive aisle on the Dillard Street parcel, as shown on the May 6, 2022 site plan.
13. Owner/Developer shall install six foot (6') wide sidewalk with a five foot (5') wide landscape strip along the entire frontage of Rosser Terrace, Hugh Howell Road, and Dillard Street.
14. The development shall be limited to one (1) limited access driveway on Rosser Terrace (right in/left out) and one (1) full access driveway on Dillard Street. Curb cut locations are subject the

sight distance requirements and the approval of the City Engineer. Signage and a raised median at the Rosser Terrace curb cut to restrict right turns out shall be constructed.

15. Owner/Developer shall construct a southbound deceleration lane on Rosser Terrace at the new entrance, subject to the approval of the City Engineer.
16. Owner/Developer shall construct a northbound right turn lane on Rosser Terrace at the intersection of Hugh Howell Road, subject to the approval of the City Engineer and the Georgia Department of Transportation. ~~Additional right-of-way dedication from back of curb of the right turn lane and the closure of the curb cut adjacent to the right turn lane shall be required.~~
17. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way as required to construct the above improvements and have a minimum of two feet (2') from the back of the future sidewalk.
18. Owner/Developer shall provide ADA compliant pedestrian connectivity between the sidewalks along both frontages and the building entrance.
19. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum tree density of thirty (30) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.
20. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.
21. The Owner/Developer agrees to demolish the existing restaurant and ground sign at the 4340 Hugh Howell location within 90 days of the Certificate of Occupancy being granted for the new restaurant.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its November 17, 2022 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of **SLUP-22-0003**, subject to the following staff conditions:

Changes from SLUP-21-0004 are shown in bold.

1. The property shall be developed in general conformance with the site plan submitted on **October 24, 2022**, with revisions to meet these conditions.
2. The drive through facility may be located between the building and both Rosser Terrace and Hugh Howell, as shown on the May 6, 2022 site plan (CV-21-0002).
3. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip between the drive-through restaurant and both Hugh Howell Road and Rosser Terrace to screen the appearance of the drive-through lanes from the street.
4. The maximum building setback along Rosser Terrace shall be 66', as shown on the May 6, 2022 site plan (CV-21-0003).
5. Outdoor dining shall meet the requirements outlined in Section 46-998.
6. The drive-through establishment shall close no later than 10:00 p.m.
7. The Special Land Use Permit shall not be able to be transferred to another business.
8. Owner/ Developer shall provide direct pedestrian entrances from Hugh Howell Road and Rosser Terrace. The required pedestrian entrances must face the public street and provide ingress and egress.
9. Owner/Developer shall remove the existing billboard located on the northwestern portion of the property before/during the land development phase.
10. Inter-parcel access is not required (CV-21-0004).
11. The transitional buffer along the southern property line of 2239 Dillard Street shall be reduced from 50' to 24.4' (CV-22-0006). A 6' tall wood fence shall be installed on or near the southern property line.
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Planning and Zoning
1975 Lakeside Parkway, Suite 350
Tucker, GA 30084
Phone: 678-597-9040
Website: www.tuckerga.gov

Land Use Petition Application Checklist

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

REQUIRED ITEMS	NUMBER OF COPIES	CHECK <input checked="" type="checkbox"/>
Pre-Application Meeting	• In Person	<input type="checkbox"/>
One (1) digital copy of all submitted materials	• One (1) flash drive or CD in .JPEG, .PDF format	<input checked="" type="checkbox"/>
Public Participation Report	• One (1) Copy	<input type="checkbox"/>
Application, Signature Pages, Disclosure Form	• One (1) Copy each	<input checked="" type="checkbox"/>
Written Legal Description	• One (1) 8 ½" x 11" Legal Description	<input checked="" type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 9 for Requirements)	• One (1) Full-Size (24" x 36") Copies of each • One (1) 8 ½" x 11" or 11x17 Site Plan of each	<input checked="" type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with code)	• One (1) Copy	<input checked="" type="checkbox"/>
Letter of Intent	• One (1) Copy	<input checked="" type="checkbox"/>
Analysis of Standards/Criteria (See page 5)	• One (1) Copy	<input checked="" type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input checked="" type="checkbox"/>
Trip Generation Letter (ITE Trip Generation Manual)	• One (1) Copy	<input checked="" type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study (See Sec. 46-1309)	• One (1) Copy	<input checked="" type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input type="checkbox"/>
Environmental Impact Report	• One (1) Copy	<input type="checkbox"/>
Noise Study Report	• One (1) Copy	<input type="checkbox"/>
Meeting with GDOT if impact to I-285 Eastside Express Lanes	• One (1) Copy	<input type="checkbox"/>
Other items required per the Zoning Ordinance	• One (1) Copy	<input type="checkbox"/>
LAND USE PETITION FEE SCHEDULE		
Residential Rezoning	\$500	<input type="checkbox"/>
Multifamily/Non-Residential Rezoning	\$750	<input type="checkbox"/>
Special Land Use Permit	\$400	<input type="checkbox"/>
Comprehensive Plan Amendment	\$1000	<input type="checkbox"/>
Modification	\$250	<input checked="" type="checkbox"/>
Variance (includes Concurrent Variance)	\$300	<input type="checkbox"/>
Public Notice Sign Fee	\$80 (per required sign)	<input type="checkbox"/>



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Land Use Petition Application

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

APPLICANT INFORMATION

Applicant is the: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser

Name: Chick-fil-A, Inc.

Address: 5200 Buffington Road

City: Atlanta

State: GA

Zip: 30349

Contact Name: Jennifer Santelli

Phone: 770-324-5282

Email: jenn.santelli@cfacorp.com

OWNER INFORMATION

Name: Chick-fil-A, Inc.

Address: 5200 Buffington Road

City: Atlanta

State: GA

Zip: 30349

Contact Name: Jennifer Santelli

Phone: 770-324-5282

Email: jenn.santelli@cfacorp.com

PROPERTY INFORMATION

Property Address: 4435 Hugh Howell Road Tucker, GA 30084

Present Zoning District(s): DT-2

Requested Zoning District(s):

Present Land Use Category: Downtown Corridor

Requested Land Use Category:

Land District: 18

Land Lot(s): 214

Acreage: 2.05

Proposed Development: Chick-fil-A Restaurant

Concurrent Variance(s): N/A

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units:

Dwelling Unit Size (Sq. Ft.):

Density:

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: 1

Total Building Sq. Ft.: 4,989

Density: .056⁰⁵⁶



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Land Use Petition Application

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City: Atlanta State: GA Zip: 30349

Contact Name: Jennifer Santelli

Phone: 770-324-5282 Email: jenn.santelli@cfacorp.com

PROPERTY INFORMATION

Property Address: 2239 Dillard St

Present Zoning District(s): C-1 Requested Zoning District(s):

Present Land Use Category: Local Commercial Requested Land Use Category:

Land District: Land Lot(s): Acreage: 0.28

Proposed Development: Chick-fil-A Restaurant

Concurrent Variance(s): N/A

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units: Dwelling Unit Size (Sq. Ft.): Density:

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: Total Building Sq. Ft.: 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.

J. Santelli
Signature of Applicant

October 6, 2022
Date

Jennifer Santelli, Principal Development Lead
Type or Print Name and Title

Heather M Gunn
Signature of Notary Public

10/6/2022
Date



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.

Bridgette Ganter
Signature of Applicant

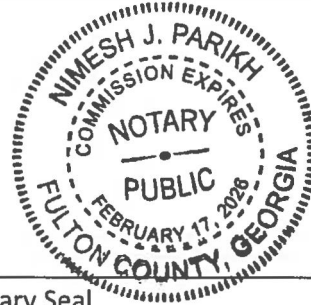
10/6/22
Date

Bridgette Ganter, Branch Manager
Type or Print Name and Title

Nimesh J. Parikh
Signature of Notary Public

10/06/2022
Date

Notary Seal



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, Chick-fil-A, Inc., authorize, Bowman Consulting
(Property Owner) (Applicant)

to file for SLUP amendment, at 4435 High Howell Rd; 2239 Dillard St.
(RZ, CA, SLUP, M CV) (Address)

on this date October, 6, 2022
(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.

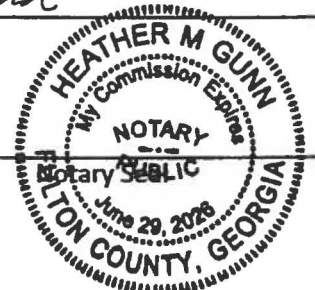
J. Santelli
Signature of Property Owner

10/6/2022
Date

Jennifer Santelli, Principal Development Lead
Type or Print Name and Title

Heather M Gunn
Signature of Notary Public

10/6/2022
Date



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) Jennifer Santelli

Signature: 

Date: 10/6/22

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)

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

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1. _____	5. _____
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Name (print) Bridgette Ganteri

Signature: *Bridgette Ganteri* Date: 10/6/22

ANALYSIS OF STANDARDS/CRITERIA

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 this criteria, if they are requesting a concurrent variance.



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

- 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

- Federal Emergency Management Agency (<http://www.fema.org>)
- Field observation and verification

c. Streams/stream buffers

- Field observation and verification

d. Slopes exceeding 25 percent over a 10-foot rise in elevation

- United States Geologic Survey Topographic Quadrangle Map
- Field observation and verification

e. Vegetation

- United States Department of Agriculture, Nature Resource Conservation Service
- Field observation

f. Wildlife Species (including fish)

- United States Fish and Wildlife Service
- Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
- Field observation

g. Archeological/Historical Sites

- Historic Resources Survey
- Georgia Department of Natural Resources, Historic Preservation Division
- Field observation and verification



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.

- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
- b. Protection of water quality
- c. Minimization of negative impacts on existing infrastructure
- d. Minimization on archeological/historically significant areas
- e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
- f. Creation and preservation of green space and open space
- g. Protection of citizens from the negative impacts of noise and lighting
- h. Protection of parks and recreational green space
- i. Minimization of impacts to wildlife habitats

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

*Application Deadline	Planning Commission	M&CC 1st Read	M&CC 2nd Read
12/13/2021	1/20/2022	2/15/2022	3/14/2022
1/10/2022	2/17/2022	3/14/2022	4/11/2022
2/14/2022	3/17/2022	4/11/2022	5/9/2022
3/14/2022	4/21/2022	5/9/2022	6/13/2022
4/11/2022	5/19/2022	6/13/2022	7/11/2022
5/9/2022	6/16/2022	7/11/2022	8/8/2022
6/13/2022	7/21/2022	8/8/2022	9/12/2022
7/11/2022	8/18/2022	9/12/2022	10/10/2022
8/8/2022	9/15/2022	10/10/2022	11/14/2022
9/12/2022	10/20/2022	11/14/2022	12/12/2022
10/10/2022	11/17/2022	12/12/2022	TBD
11/14/2022	12/15/2022	TBD	TBD
12/12/2022	TBD	TBD	TBD

*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’.

- 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.

**Letter of Intent
Modification SLUP Condition #16
Ordinance O2021-10-22**

**Chick-fil-A Tucker
4435 Hugh Howell Road
2239 Dillard Street
Tucker, GA 30084**

On behalf of Chick-fil-A, Inc. we are submitting the enclosed information for the modification of a condition associated with an approved Special Land Use Permit for the proposed Chick-fil-A restaurant to be located at 4435 Hugh Howell Road. The Special Land Use Permit with four concurrent variances was approved with 21 conditions and recorded in Ordinance O2021-10-22 on June 13th, 2022.

Ordinance O2021-10-22 allows Chick-fil-A to operate a drive-through in the DT-2 Downtown Corridor zoning district at 4435 Hugh Howell Road and 2239 Dillard Street.

Chick-fil-A is prepared to abide by the conditions set forth in Ordinance O2021-10-22, however is requesting a modification of Condition #16, which requires cooperation from an adjacent property owner.

Condition #16:

Owner/Developer shall construct a northbound right turn lane on Rosser Terrace at the intersection of Hugh Howell Road, subject to the approval of the City Engineer and the Georgia Department of Transportation. Additional right-of-way dedication from the back of curb of the right turn lane and the closure of the curb cut adjacent to the right turn lane shall be required.

On behalf of Chick-fil-A, we are working with City Engineer and Georgia Department of Transportation to design and construct the northbound right turn lane on Rosser Terrace. However, Chick-fil-A is unable to provide right-of-way dedication and closure of existing north curb cut on Rosser Terrace because these are located on the property at 4445 Hugh Howell Road, which is not owned by the Chick-fil-A.

The property at 4445 Hugh Howell Road is for sale. Since SLUP approval in June 2022, both Chick-fil-A and Bowman have reached out on multiple occasions to the property owner through the property owner's real estate representative to discuss acquisition of the necessary right-of-way and closure of the curb cut. The property owner is unwilling to do either of these. Instead, the property owner is requesting that Chick-fil-A purchase the entire property.

Removal of the condition to close the curb cut is the minimum request needed. Since Chick-fil-A is still providing a right turn lane, no special privilege is granted to Chick-fil-A. Removal of the condition to close

the curb cut is not injurious to other properties or improvements in the area. The adjacent property will still have full use of their curb cut. Literal and strict interpretation of the condition is an undue and unnecessary hardship because the right turn lane will function the same whether or not the curb cut is closed.

Chick-fil-A does not have the authority to force an independent property owner to cooperate with their requests and is requesting a modification to Condition #16 to remove the requirements to dedicate right-of-way and close the existing north curb cut on Rosser Terrace at 4445 Hugh Howell Road.

If you should have any questions or require additional information, please do not hesitate to contact me at our Atlanta office at (678) 606-5278. Thank you.

Sincerely,



Bridgette Ganter

bganter@bowman.com

678-606-5278

Bowman

NOT USED

Criteria in support of Chick-fil-A's request to modify Condition #16 to remove requirements for right-of-way dedication and closure of curb cut:

- a. *By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this division would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.*

The property owner's real estate representative for 4445 Hugh Howell Road stated that right-of-way dedication and closure of the curb cut will de-value the property and that the property owner has right of refusal.

- 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.*

Request of this variance does not go beyond the minimum necessary to afford relief since the northbound right turn lane on Rosser Terrace will still be constructed in accordance with City Engineer recommendations and GDOT approval. City Engineer has stated that further right-of-way dedication is not needed at this time and that, while not optimum, the proposed right turn lane will still function as intended without closure of the curb cut.

- 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.*

Granting of this modification will not be detrimental to public welfare since the proposed turn lane will still operate as intended. Granting of this modification will not be injurious to the property or improvements in this zoning district, however will substantially improve this area by removing congestion at this intersection. It will not be injurious to other property or improvements in this area because it will be wholly located in the public right-of-way.

- 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 of the condition for Chick-fil-A to provide right-of-way and close a curb cut on property that belongs to another property is an undue and unnecessary hardship

because Chick-fil-A cannot control the cooperation of another property owner. Because the proposed right turn lane may be located wholly in the public right-of-way, the City Engineer no longer believes right-of-way dedication or closure of the curb cut are needed. Therefore, these are unnecessary hardships.

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

The requested modification is in the spirit and intent of Condition #16 in that a right turn lane will be provided for northbound Rosser Terrace vehicles.



ASPHALT PAVEMENT STRUCTURAL LOADING NOTE

THE SPECIFIED ASPHALT PAVEMENT SECTION HAS BEEN VERIFIED TO ACCOMMODATE THE STRUCTURAL LOAD OF A TYPICAL FIRE TRUCK APPARATUS (AASHTO HS20 LOADING) UP TO 75,000 LBS AS REQUIRED IN 2018 IFC SECTION D102.1

SITE PLAN DESIGN NOTES

- PAVEMENT MARKINGS (ACCESSIBILITY SYMBOL & DIRECTIONAL ARROWS)
- PAVEMENT MARKINGS (DRIVE-THRU & STOP BAR)
- 90° PARKING STRIPING
- 60° PARKING STRIPING (NOT USED)
- BOLLARD MOUNTED SIGN
- ACCESSIBILITY PARKING SIGN
- DIRECTIONAL SIGNAGE (REFER TO SIGN PACKAGE FOR MORE DETAILS)
 - CIRCLE BUILDING FOR DRIVE-THRU (NOT USED)
 - LEFT TURN ONLY
 - RIGHT TURN ONLY
 - PEDESTRIAN CROSSWALK
 - ONE WAY (NOT USED)
 - DO NOT ENTER
 - CURBSIDE DELIVERY
 - LANES MERGE (NOT USED)
 - NO THRU MOVEMENT (MUTCD R3-27)

- STOP SIGN (R1-1 30"x30")
- CONCRETE SIDEWALK
- SIDEWALK WITH CURB & GUTTER
- CONCRETE CURB & GUTTER
- CONCRETE PAVEMENT
- CURB RAMP WITH SHORT FLARED SIDES
- CURB RAMP WITH FLARED SIDES
- SIDEWALK ACCESSIBLE RAMP
- DETECTABLE WARNING DEVICE (NOT USED)
- RETURNED CURB ACCESSIBLE RAMP
- EXPANSION JOINT
- TRANSVERSE & LONGITUDINAL DOWELED CONSTRUCTION JOINT
- KEYED CONSTRUCTION JOINT
- CONTRACTION JOINT
- TRANSVERSE & LONGITUDINAL CONTRACTION JOINT
- PAVEMENT EDGE DETAIL
- CONCRETE APRON AT REFUSE ENCLOSURE
- LONGITUDINAL BUTT JOINT
- CONCRETE PAVEMENT DRIVE-THRU LANE
- TYPICAL HMAC PAVEMENT SECTION
- BUTT JOINT
- CONCRETE BOLLARD
- MULTI-LANE DIRECTIONAL GRAPHICS (NOT USED)
- CROSSWALK MARKINGS
- ALUMINUM HANDRAIL

- TYPICAL ADA RAMP & HANDRAIL
- BUILDING DOWNSPOUT CONNECTION
- CLEAN-OUT OUTSIDE OF BUILDING
- TYPICAL SECTION AT BASINS
- ENTRY DOOR FROST SLAB (NOT USED)
- SCREENED REFUSE ENCLOSURE (NOT USED)
- SCREENED REFUSE ENCLOSURE (ALT) (NOT USED)
- SCREENED REFUSE ENCLOSURE (DRAINAGE ALT) (ROOF REQUIRED)
- MENU BOARD LOOP DETECTION SYSTEM
- MENU BOARD LOOP DETECTION SYSTEM (ISO)
- DRIVE-THRU ORDER POINT ISLAND
- DRIVE-THRU LANDING (PLAN)
- DRIVE-THRU LANDING (ISO)
- DRIVE-THRU CLEARANCE BAR POLE (REFER TO SIGN PACKAGE)
- ROLLOVERMOUNTABLE CURB (NOT USED)
- LANDSCAPE & IRRIGATION PROTECTOR
- CHICK-FIL-A SIGN (REFER TO SIGN PACKAGE)
- CHICK-FIL-A 'ENTER' SIGN (REFER TO SIGN PACKAGE)
- CHICK-FIL-A 'EXIT' SIGN (REFER TO SIGN PACKAGE)
- 50' FLAG POLE (REFER TO SIGN PACKAGE)
- LIGHT POLE AND BASE (REFER TO PHOTOMETRICS PLAN)
- F2F ORDERING CANOPY (REFER TO ARCH)
- OUTSIDE MEAL DELIVERY CANOPY (REFER TO ARCH)
- BOLLARD FOR FUTURE CURB SIDE MEAL DELIVERY SIGN
- TRANSFORMER PAD
- CASH BOX
- 4" YELLOW DOUBLE LINE
- 4" WHITE LINE
- LANE DELINEATORS
- SEGMENTAL BLOCK WALL (BY CONTRACTOR)
- "NO PARKING" SIGN

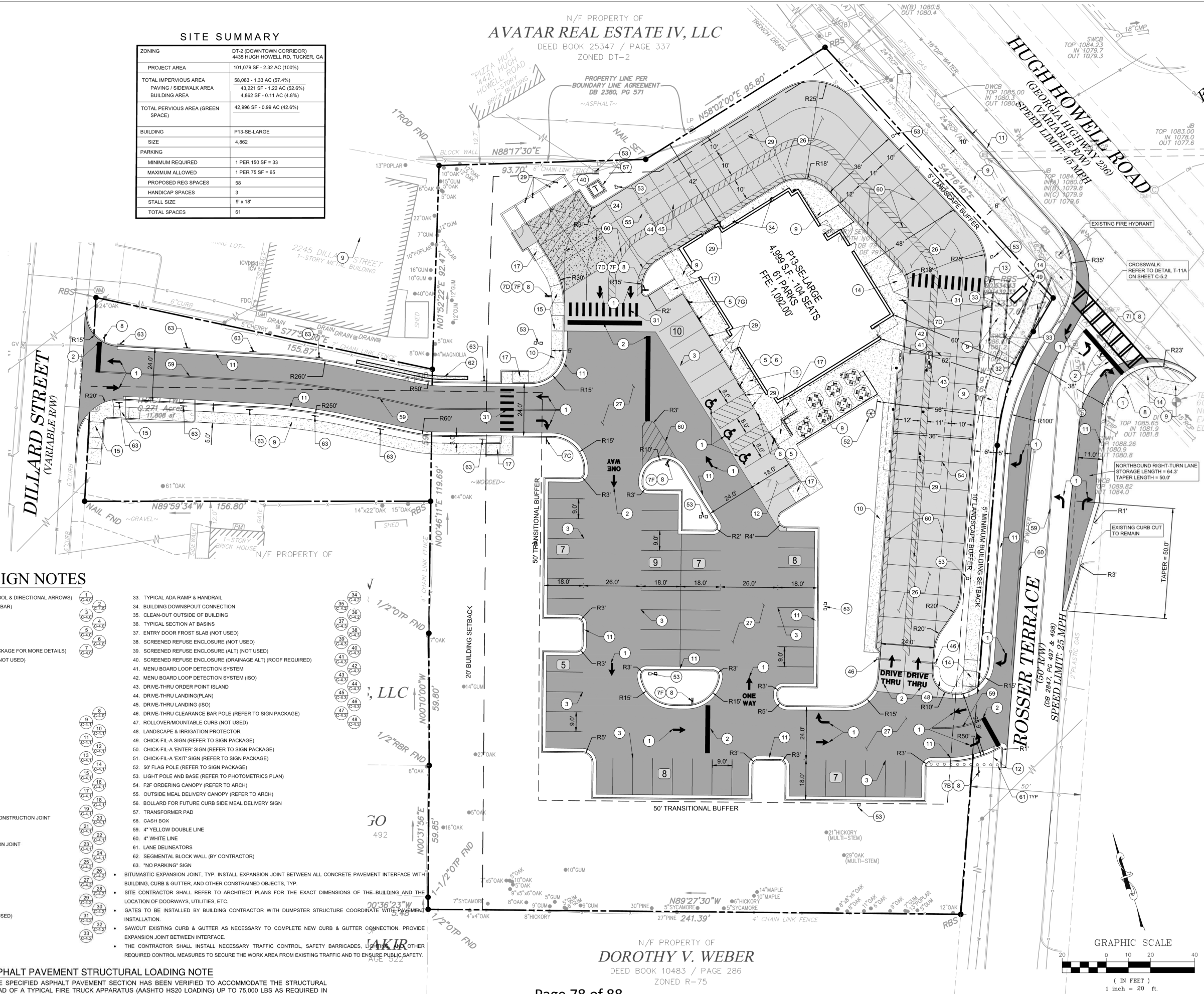
- BITUMASTIC EXPANSION JOINT, TYP. INSTALL EXPANSION JOINT BETWEEN ALL CONCRETE PAVEMENT INTERFACE WITH BUILDING, CURB & GUTTER, AND OTHER CONSTRAINED OBJECTS, TYP.
- SITE CONTRACTOR SHALL REFER TO ARCHITECT PLANS FOR THE EXACT DIMENSIONS OF THE BUILDING AND THE LOCATION OF DOORWAYS, UTILITIES, ETC.
- GATES TO BE INSTALLED BY BUILDING CONTRACTOR WITH DUMPSTER STRUCTURE COORDINATE WITH PAVEMENT INSTALLATION.
- SAWCUT EXISTING CURB & GUTTER AS NECESSARY TO COMPLETE NEW CURB & GUTTER CONNECTION. PROVIDE EXPANSION JOINT BETWEEN INTERFACE.
- THE CONTRACTOR SHALL INSTALL NECESSARY TRAFFIC CONTROL, SAFETY BARRICADES, LIGHTING, AND OTHER REQUIRED CONTROL MEASURES TO SECURE THE WORK AREA FROM EXISTING TRAFFIC AND TO ENSURE PUBLIC SAFETY.

SITE SUMMARY

ZONING	DT-2 (DOWNTOWN CORRIDOR) 4435 HUGH HOWELL RD, TUCKER, GA
PROJECT AREA	101,079 SF - 2.32 AC (100%)
TOTAL IMPERVIOUS AREA	58,083 - 1.33 AC (57.4%)
PAVING / SIDEWALK AREA	43,221 SF - 1.22 AC (52.6%)
BUILDING AREA	4,862 SF - 0.11 AC (4.8%)
TOTAL PERVIOUS AREA (GREEN SPACE)	42,996 SF - 0.99 AC (42.6%)
BUILDING	P13-SE-LARGE
SIZE	4,862
PARKING	
MINIMUM REQUIRED	1 PER 150 SF = 33
MAXIMUM ALLOWED	1 PER 75 SF = 65
PROPOSED REG SPACES	58
HANDICAP SPACES	3
STALL SIZE	9' x 18'
TOTAL SPACES	61

N/F PROPERTY OF AVATAR REAL ESTATE IV, LLC

DEED BOOK 25347 / PAGE 337
ZONED DT-2



N/F PROPERTY OF DOROTHY V. WEBER

DEED BOOK 10483 / PAGE 286
ZONED R-75



Chick-fil-A

Chick-fil-A
5200 BUFFINGTON RD
Atlanta, Georgia 30349-2998

Bowman

Certificate of Authorization License No. PEP-000755
550 North Peachtree Street, Suite 200
Atlanta, GA 30308
Phone: (678) 374-6687
www.bowmanconsulting.com
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Seal

CHICK-FIL-A

RELO TUCKER FSU
4435 HUGH HOWELL ROAD
TUCKER, GA 30084

FSU#04959

BUILDING TYPE / SIZE: P13-SE-LRG

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
-----	------	-------------

CONSULTANT PROJECT # 120005-01-049

ISSUED FOR PERMIT

DATE October 18, 2022

DRAWN BY BCG

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SHEET

SITE PLAN

RECEIVED
CITY OF TUCKER

SHEET NUMBER

10/24/2022

C-2.0

PLANNING & ZONING
DEPARTMENT

SLUP-22-0003

**AN ORDINANCE FOR SPECIAL LAND USE PERMIT (SLUP-21-0004) AND
CONCURRENT VARIANCES CV-21-0002, CV-21-0003, CV-21-0004, AND CV-22-0006
IN LAND LOT 214 OF THE 18th DISTRICT TO ALLOW FOR A DRIVE-THROUGH
RESTAURANT AT 4435 HUGH HOWELL ROAD AND 2239 DILLARD STREET**

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 May 9, 2022 and June 13, 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 June 13, 2022 hereby ordains and approves Special Land Use Permit 21-0004 to allow for a drive-through restaurant, subject to the following conditions:

1. The property shall be developed in general conformance with the site plan submitted on May 6, 2022, with revisions to meet these conditions.
2. The drive through facility may be located between the building and both Rosser Terrace and Hugh Howell, as shown on the May 6, 2022 site plan (CV-21-0002).
3. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip between the drive-through restaurant and both Hugh Howell Road and Rosser Terrace to screen the appearance of the drive-through lanes from the street.
4. The maximum building setback along Rosser Terrace shall be 66', as shown on the May 6, 2022 site plan (CV-21-0003).
5. Outdoor dining shall meet the requirements outlined in Section 46-998.
6. The drive-through establishment shall close no later than 10:00 p.m.
7. The Special Land Use Permit shall not be able to be transferred to another business.

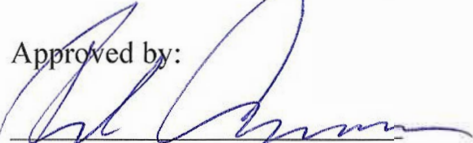
8. Owner/ Developer shall provide direct pedestrian entrances from Hugh Howell Road and Rosser Terrace. The required pedestrian entrances must face the public street and provide ingress and egress.
9. Owner/Developer shall remove the existing billboard located on the northwestern portion of the property before/during the land development phase.
10. Inter-parcel access is not required (CV-21-0004).
11. The transitional buffer along the southern property line of 2239 Dillard Street shall be reduced from 50' to 24.4' (CV-22-0006). A 6' tall wood fence shall be installed on or near the southern property line.
12. Owner/Developer shall install a sidewalk along the drive aisle on the Dillard Street parcel, as shown on the May 6, 2022 site plan.
13. Owner/Developer shall install six foot (6') wide sidewalk with a five foot (5') wide landscape strip along the entire frontage of Rosser Terrace, Hugh Howell Road, and Dillard Street.
14. The development shall be limited to one (1) limited access driveway on Rosser Terrace (right in/left out) and one (1) full access driveway on Dillard Street. Curb cut locations are subject the sight distance requirements and the approval of the City Engineer. Signage and a raised median at the Rosser Terrace curb cut to restrict right turns out shall be constructed.
15. Owner/Developer shall construct a southbound deceleration lane on Rosser Terrace at the new entrance, subject to the approval of the City Engineer.
16. Owner/Developer shall construct a northbound right turn lane on Rosser Terrace at the intersection of Hugh Howell Road, subject to the approval of the City Engineer and the Georgia Department of Transportation. Additional right-of-way dedication from back of curb of the right turn lane and the closure of the curb cut adjacent to the right turn lane shall be required.
17. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way as required to construct the above improvements and have a minimum of two feet (2') from the back of the future sidewalk.
18. Owner/Developer shall provide ADA compliant pedestrian connectivity between the sidewalks along both frontages and the building entrance.
19. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum tree density of thirty (30) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.

20. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.

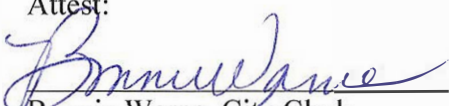
21. The Owner/Developer agrees to demolish the existing restaurant and ground sign at the 4340 Hugh Howell location within 90 days of the Certificate of Occupancy being granted for the new restaurant.

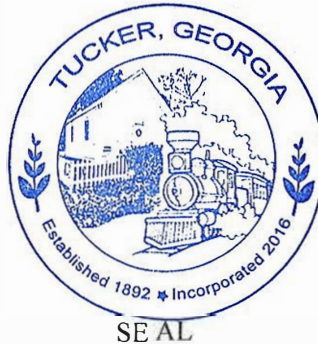
SO EFFECTIVE this 13th day of June 2022.

Approved by:

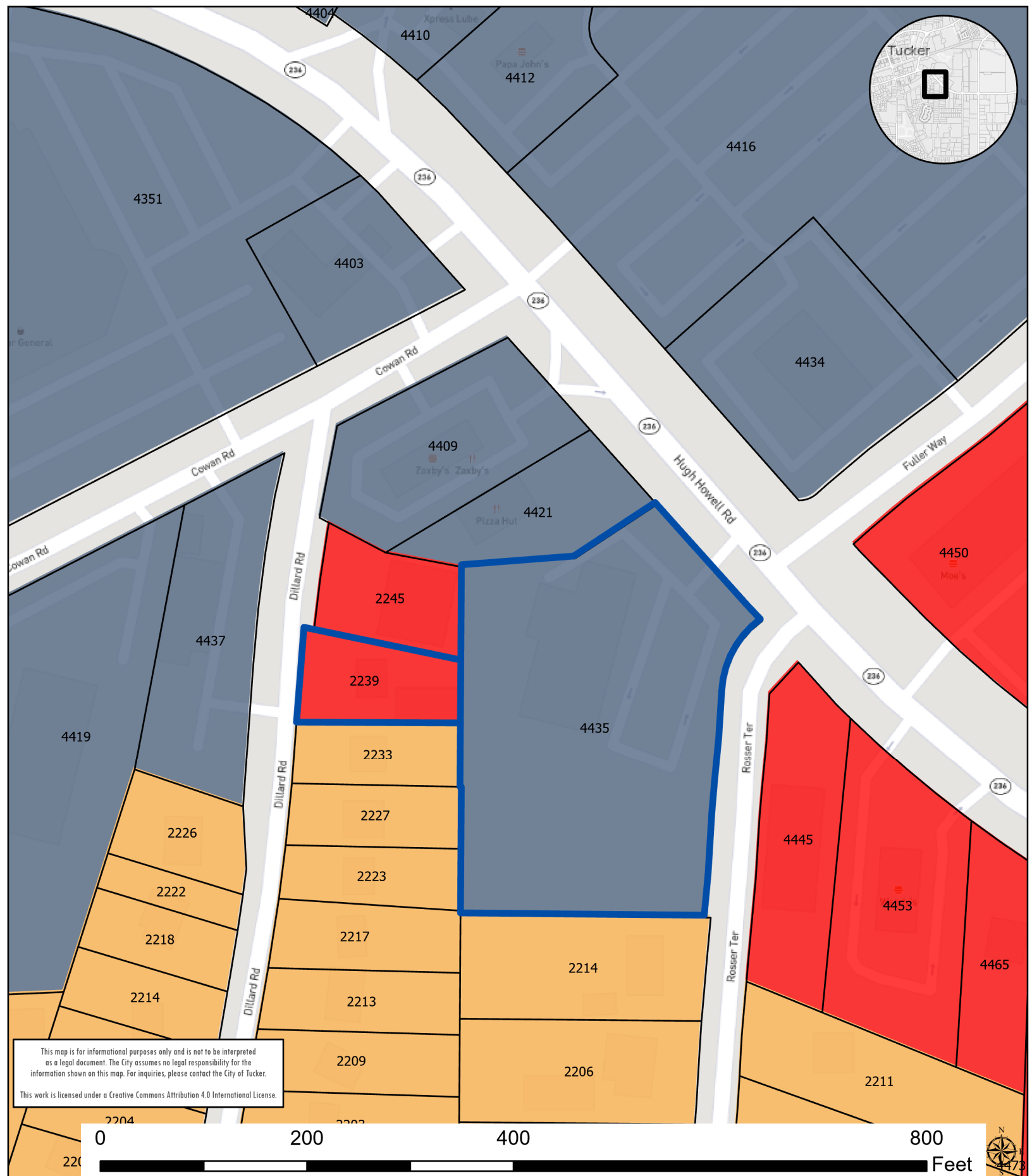

Frank Auman, Mayor

Attest:


Bonnie Warne, City Clerk



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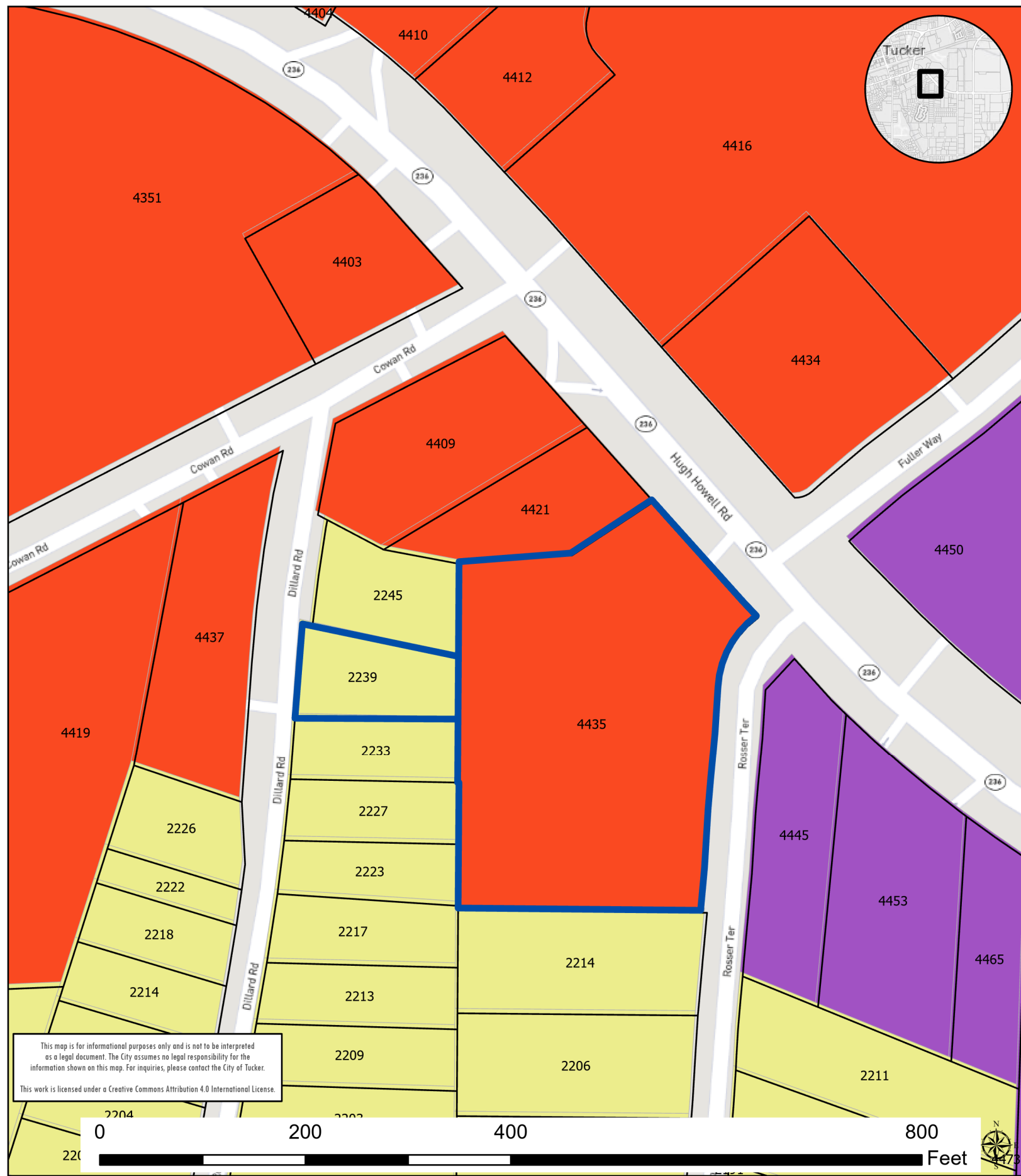
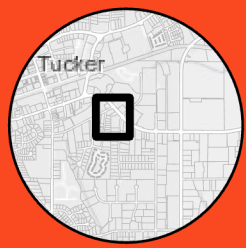
This map is for informational purposes only and is not to be interpreted as a legal document. The City assumes no legal responsibility for the information shown on this map. For inquiries, please contact the City of Tucker.

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Zoning
SLUP-21-0004
CV-21-0002, CV-21-0003,
CV-21-0004, CV-22-0006
4435 Hugh Howell Rd
2239 Dillard Rd

- SLUP
- DT-2 (Corridor Zone)
- R-75 (Residential Medium Lot -75)
- C-1 (Local Commercial)



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FLU
SLUP-21-0004
CV-21-0002, CV-21-0003,
CV-21-0004, CV-22-0006
4435 Hugh Howell Rd
2239 Dillard St
Page 85 of 88

-  SLUP
-  Downtown
-  Light Industrial
-  Suburban

AN ORDINANCE FOR A MAJOR MODIFICATION SPECIAL LAND USE PERMIT (SLUP-22-0003) IN LAND LOT 214 OF THE 18th DISTRICT TO ALLOW FOR A CHANGE IN CONDITIONS PURSUANT TO SLUP-21-0004 FOR A DRIVE-THROUGH RESTAURANT AT 4435 HUGH HOWELL ROAD AND 2239 DILLARD STREET.

WHEREAS: Notice to the public regarding said special land use permit 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 December 12, 2022 and January 9, 2023;

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 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 January 9, 2023 hereby ordains and approves Special Land Use Permit SLUP-22-0003 to allow for changes in conditions 1, 16, and 17, as follows:

1. The property shall be developed in general conformance with the site plan submitted on October 24, 2022, with revisions to meet these conditions.
2. The drive through facility may be located between the building and both Rosser Terrace and Hugh Howell, as shown on the May 6, 2022 site plan (CV-21-0002).
3. A mix of trees, shrubs, and ground cover shall be planted in the landscape strip between the drive-through restaurant and both Hugh Howell Road and Rosser Terrace to screen the appearance of the drive-through lanes from the street.
4. The maximum building setback along Rosser Terrace shall be 66', as shown on the May 6, 2022 site plan (CV-21-0003).
5. Outdoor dining shall meet the requirements outlined in Section 46-998.
6. The drive-through establishment shall close no later than 10:00 p.m.
7. The Special Land Use Permit shall not be able to be transferred to another business.

8. Owner/ Developer shall provide direct pedestrian entrances from Hugh Howell Road and Rosser Terrace. The required pedestrian entrances must face the public street and provide ingress and egress.
9. Owner/Developer shall remove the existing billboard located on the northwestern portion of the property before/during the land development phase.
10. Inter-parcel access is not required (CV-21-0004).
11. The transitional buffer along the southern property line of 2239 Dillard Street shall be reduced from 50' to 24.4' (CV-22-0006). A 6' tall wood fence shall be installed on or near the southern property line.
12. Owner/Developer shall install a sidewalk along the drive aisle on the Dillard Street parcel, as shown on the May 6, 2022 site plan.
13. Owner/Developer shall install six foot (6') wide sidewalk with a five foot (5') wide landscape strip along the entire frontage of Rosser Terrace, Hugh Howell Road, and Dillard Street.
14. The development shall be limited to one (1) limited access driveway on Rosser Terrace (right in/left out) and one (1) full access driveway on Dillard Street. Curb cut locations are subject the sight distance requirements and the approval of the City Engineer. Signage and a raised median at the Rosser Terrace curb cut to restrict right turns out shall be constructed.
15. Owner/Developer shall construct a southbound deceleration lane on Rosser Terrace at the new entrance, subject to the approval of the City Engineer.
16. Owner/Developer shall construct a northbound right turn lane on Rosser Terrace at the intersection of Hugh Howell Road, subject to the approval of the City Engineer and the Georgia Department of Transportation.
17. Owner/Developer shall dedicate at no cost to the City of Tucker additional right-of-way along their Rosser Terrace and Dillard Street frontages for the southbound deceleration lane (Rosser Terrace), sidewalk/streetscape improvements (Rosser Terrace), and adequate street width (Dillard Street).
18. Owner/Developer shall provide ADA compliant pedestrian connectivity between the sidewalks along both frontages and the building entrance.
19. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum tree density of thirty (30) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.

20. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.

21. The Owner/Developer agrees to demolish the existing restaurant and ground sign at the 4340 Hugh Howell location within 90 days of the Certificate of Occupancy being granted for the new restaurant.

SO EFFECTIVE this 9th day of January 2023.

Approved by:

Frank Auman, Mayor

Attest:

Bonnie Warne, City Clerk

SEAL