



**Land Use Petitions:** SLUP-25-0001, CV-25-0001, CV-25-0002, CV-25-0003

**Planning Commission:** March 20, 2025

**Mayor and City Council, 1<sup>st</sup> Read:** April 14, 2025

**Mayor and City Council, 2<sup>nd</sup> Read:** May 27, 2025

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<b>PROJECT LOCATION:</b>	2101 Northlake Parkway
<b>APPLICATION NUMBER:</b>	SLUP-25-0001
<b>DISTRICT/LANDLOT(S):</b>	18 <sup>th</sup> District, Land Lot 210
<b>ACREAGE:</b>	±2.768 acres
<b>EXISTING ZONING:</b>	NL-1 (Northlake High-Intensity Commercial)
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Town Center
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	Joseph G. Wilburn/Reginald A Hudspeth, LLC
<b>OWNER:</b>	Stallion Investments, LLC
<b>PROPOSED DEVELOPMENT:</b>	SLUP to allow a special event facility; concurrent variance to distance separation requirements; concurrent variances to materials and locations for accessory structures.
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL with conditions</b> (special event facility) <b>APPROVAL of CV-25-0001</b> (distance separation requirements) <b>DENIAL of CV-25-0002</b> (materials on accessory structures) <b>DENIAL of CV-25-0003</b> (location of accessory structures)

## Project Data and Background

Luxe Events is requesting a Special Land Use Permit (SLUP) with three concurrent variances for the property located at 2101 Northlake Parkway to allow for a special event facility in the NL-1 (Northlake High-Intensity Commercial) zoning district. The subject parcel is approximately 2.768 acres and has frontage on both Northlake Parkway and East Exchange Place. The 11,000 square foot special event facility has a maximum of 300 seats.

Special events facilities are only allowed in the Northlake special zoning districts (NL-1, NL-2 and NL-3) with the approval of a SLUP to ensure compatibility with surrounding developments and consistency with the City of Tucker's Comprehensive Plan. The applicant is requesting relief from the distance separation requirements for special events facilities (CV-25-0001), to permit non-conforming accessory storage structures (CV-25-0002), and to permit the non-conforming storage structures to be located on parking spaces (CV-25-0003).



*Figure 1. Pictometry image of 2101 Northlake Parkway from DeKalb County Tax Assessor website. The green pin indicates the primary building for the special events facility.*

2101 Northlake Parkway includes two primary structures. Auto MD, Zip Tire, and a beauty salon are located in the northernmost building. In 2001, AutoMD obtained a SLUP for auto repair (Ordinance 02021-08-13). LUXE Events is petitioning to use the southernmost building for a special events facility. The extensive surface parking lot serves all tenants of both buildings.

LUXE Events has been operating at this site since the beginning of 2023. Fit Factory and SKRRT, both health/fitness facilities, share the same building, an arrangement that has existed in varying forms since at least 2011. In chronological order, since 2011 the front space has served as "Occasions Event Center", The Blue (an event center), and TW Events, which ceased operations in May of 2022. According to the Luxe Events website ([luxeeventsatl.com](http://luxeeventsatl.com)), the business opened at 2101 Northlake Parkway in April of 2023. Staff met with the property owner, their leasing agent, and Luxe Events several times to discuss the SLUP process and the non-conforming use regulations in the zoning ordinance. However, it took until

December of 2024 to get the applicant to submit a complete SLUP application. During this time, several other code violations had to be corrected by the property owner to bring the remaining parts of the property into compliance.

Luxe Events is located 1.1 miles away from Different Experiences event center at 3531 Lawrenceville Highway, Ste E, in the Lawrenceville Highway special zoning districts.



*Figure 2. 2101 Northlake Parkway, February 2025.*

Special events facilities in the City of Tucker must comply with the supplemental use regulations found in code Section 46-1205 of the Tucker zoning ordinance. The regulations define the traffic control and parking plans for special events facilities, as well as noise and hours of operation. One of the supplemental regulations specifies the minimum required distance from residential properties, and the applicant is requesting relief from that requirement.

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

The purpose and intent section of the NL-1 zoning district (Sec. 46-1032) indicates the NL-1 zoning district is established “to allow for the most intense mixed-use development in Tucker. It encourages the redevelopment of parking lots into a mix of retail, office, and residential uses in the same development.” Additionally, the intent of the Northlake special zoning districts as a whole is, among other things, to encourage commercial and residential redevelopment that enhances the long-term economic viability of the Northlake area and forms a well-designed, pedestrian-friendly activity center.

The Northlake special zoning districts are intended to spur redevelopment that decreases dependency on vehicles, increases green space and amenities, increases pedestrian activity, increases economic activity, and improve aesthetics. Because the applicant intends to use the existing 54-year-old structure,

there is no redevelopment occurring on this site and many non-conforming aspects of the site will remain, such as the lack of open space and landscaping.

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

The subject parcel is designated Town Center on the Future Land Use Map. The Town Center Character Area is a new designation in the City's 5-Year Comprehensive Plan update in 2023, replacing the previous designation of Regional Center. Much of the intent of the Town Center Character Area is to promote higher intensity residential and commercial uses, reduce automobile travel and promote walkability in Town Center-designated areas. A special events facility is unlikely to reduce automobile travel or promote walkability; however, it is conveniently located along the current MARTA bus route 125 and is on segment 6a of the Tucker City Trail. This segment is currently under design.

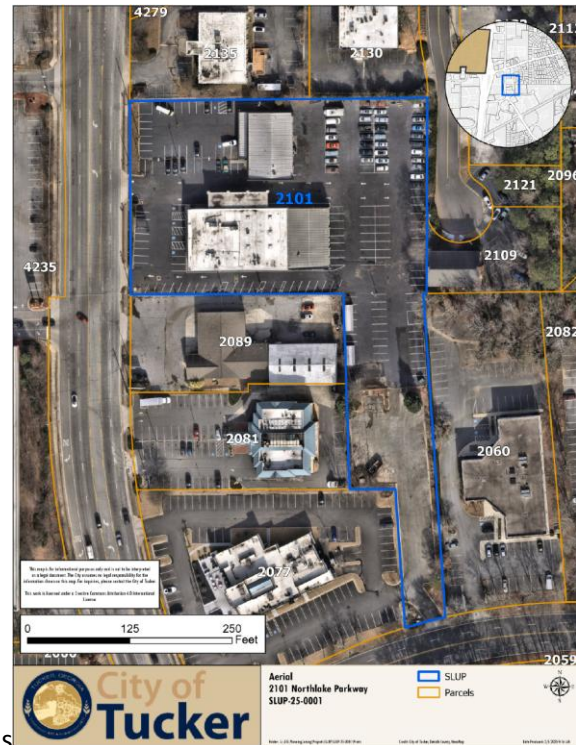
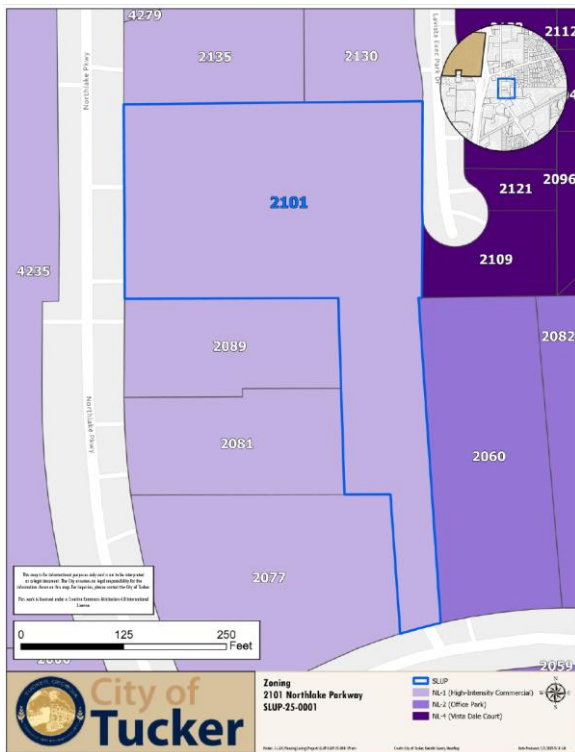
### **PUBLIC PARTICIPATION PLAN REPORT**

The applicant hosted a public participation meeting on September 5, 2024. The meeting was held at 2101 Northlake Parkway and lasted approximately 40 minutes. Prior to the meeting, the applicant mailed a letter, the proposed site plan and building elevations to all property owners within 500' of the subject parcel. There were two (2) people in attendance, in addition to the applicant. No substantive concerns or requests were raised, and no changes were made to the site plan or the application following the public participation meeting.

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

Adjacent & Surrounding Properties	Zoning	Existing Land Use
Adjacent: North	NL-1 (Northlake High-Intensity Commercial)	Sadh Sangat of Georgia (non-profit)
Adjacent: North	NL-1 (Northlake High-Intensity Commercial)	2130 Lavista Exec Park Dr (offices)
Adjacent: East	NL-4 (Vista Dale Court)	Manry Heston Insurance
Adjacent: East	NL-2 (Office Park)	Transformation Lead
Adjacent: South	NL-1 (Northlake High-Intensity Commercial)	Mavis Tires & Brakes, Days Inn & Suites, Katch Kitchen & Cocktails
Adjacent: West	NL-1 (Northlake High-Intensity Commercial) Across Northlake Parkway	Target





Figures 3 and 4. Zoning Map and Aerial Image.

## SLUP-25-0001

### CRITERIA TO BE APPLIED

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

- 1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

While the parcel size appears to be adequate for a special events facility, the interior breakdown of the space provides very little room for event storage. Additionally, the multiple uses on the property and the layout of the site greatly reduces the parking and access of the site. The business is experiencing storage constraints and has placed non-conforming accessory storage structures in the rear parking lot. The applicant is requesting two concurrent variances for the storage buildings, which are discussed later in this report. The use of the overall property is further restricted when the property owner rents and/or allows various parts of the parking lot to be used by others. There have been several code enforcement violations over the years for illegal 18-wheeler parking, dumpster storage, construction equipment storage, etc. Zip Tires has also experienced storage issues in the past.

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

Uses of the adjacent properties include a non-profit building, a motel, a tire and brake shop, a restaurant, and an insurance office, which are not incompatible. However, the property is located within 1,500 feet of residential properties, which is a supplemental regulation for special events facilities. The applicant is requesting a concurrent variance for the distance separation, which is discussed later in this report.

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

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

**Stormwater management.** The proposed striping of the parking lot and two outbuildings do not trigger stormwater management requirements.

**Water and sewer.** N/A

**4. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

The traffic impact as a result of the special events will be minimal during the week when the space operates as office space for the business. The Trip Generation Report letter states that proposed use will generate 142 entering trips and 54 exiting trips during the weekend peak hour.

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

It is not expected that land uses along Northlake Parkway or East Exchange Place would be adversely affected by the character of the vehicles or volume of traffic generated by the proposed drive-through restaurant.

**6. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.**

The proposed site plan provides two primary access points along Northlake Parkway, striped parking spaces, and traffic directional arrows. During a site visit, staff noted that the parking lot has been freshly restriped and it does not match the submitted parking lot plan. Changes include the lack of striped (gore) areas and circulation routes behind the northernmost building. Staff did not notice any signage indicating the allocation of parking spaces between the uses.

There are existing visibility issues with access into the site as the grade change prohibits motorists from seeing the directional arrows painted on the asphalt. For example, the southernmost curb cut on Northlake appears to be exit only based on the interior directional arrows, but this is not

evident from Northlake Parkway. This issue was previously raised during the SLUP process for Auto MD, but was not corrected when the property owner recently completed new top coat and restriping of the asphalt.

There is a curb cut off East Exchange Place, however, it does not connect with the larger portion of the property where all of the tenants are located.



*Figure 5. Aerial showing existing access throughout the site.*

**7. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

A special event facility will not generate smoke, odor, dust, or vibrations. It does have the capacity to produce excessive noise, which is one of the reasons why the supplemental regulations include distance separation requirements from residential properties. The applicant states that all special events are held inside the facility. Staff have not received any noise complaints about special events occurring at this facility.

**8. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

The hours of operation will cease at 12:30 am, which will not create an adverse impact upon adjoining land use.

**9. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The use of an indoor only special event center that closes by 12:30am should not create any adverse impacts upon adjoining land uses.

**10. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

A special event center on this property does not comply with the regulations in the zoning ordinance, as the event center is located within 1,500 feet of four residential developments (see fig. 6). If approved by SLUP, the special events facility will require approval of one concurrent variance to the distance separation requirement. Additionally, the applicant is requesting two concurrent variances for two accessory storage buildings.

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

The primary land uses of the Town Center character area include townhomes, higher density multi-family housing, retail and service commercial, office, entertainment and cultural facilities, and public and private recreational uses, and a special events facility is consistent with these uses. Development strategies for the Town Center Character Area include encouraging a relatively high-density mix of retail, office, services and employment to serve a regional market area, develop a diverse mix of housing types, increase pedestrian connectivity, and create connections to nearby networks of greenspace or trails. The special events facility uses the existing site and structure and therefore is not a redevelopment project that can increase the compatibility of the site with the Comprehensive Plan development strategies.

**12. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

There are no transitional buffers required with this site.

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

There are three dumpsters located on the site, but none of them meet the code requirements for the city of Tucker. Code Section 46-1040 requires dumpster enclosures that have a wall at least eight (8) feet tall on three sides and an eight (8) foot tall gate on the fourth side. The dumpster enclosure cannot be located on parking spaces.

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

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

**15. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.**

The existing structure and surface parking will be used. The accessory storage buildings do not conform to zoning regulations and the applicant is requesting approval of two concurrent variances for materials and to allow them to be placed on parking spaces in the parking lot.

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



There are no known historic buildings, sites, districts, or archaeological resources on the subject property.

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

The special event facility is in compliance with most of the supplemental regulations for this use, but not all.

**Sec. 46-1205 – Special event facilities**

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

- (1) The special event facility shall comply with parking standards stated in article VI of this chapter. Valet parking shall not be used to satisfy the off-street parking requirements.**

Valet parking is not used to satisfy parking requirements. The applicants submitted a parking lot allocation and traffic control plan. The parking plan shows that adequate parking is provided. During a staff visit, it was noted that the site conditions do not precisely match the parking plan. It appears that there are more spaces provided than shown on the plan.

<b>Business</b>	<b>Min. parking required</b>	<b>Parking provided</b>
LUXE Event facility	55 @ 11,000 sf.	85 total for LUXE
LUXE office	5 @ 2,295 sf.	See line above
Exercise/Fitness Gym	16 @ 4,800 sf.	24
Tire Store	6 @ 2,295 sf.	15
Hair Salon	5 @ 2,295 sf.	11
Automobile Care Center	6 @ 2,295 sf.	15
<b>Totals:</b>	<b>93</b>	<b>150</b>

- (2) A traffic control plan to ensure an orderly and safe arrival, parking, and departure of all vehicles and to ensure that traffic will not back-up or block private easement, city, county, or state roads, intersections, or private driveways shall be submitted and subject to the review and approval of the city engineer.**

The parking lot allocation and traffic control plan indicate the traffic should not back-up or block private easements, city, county, or state roads, intersections, or private driveways. The City Engineer has stated that a final signage and marking plan to improve the access at the curb cuts on Northlake Parkway shall be submitted and approved within 90 days of the SLUP approval. However, staff recommends that the final plan be submitted prior to the second read.

- (3) Noise shall be contained within the subject suite or standalone structures. The facility shall comply with the noise ordinance..**

Events will be held indoors.

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

The special event facility does not comply with this standard, and is seeking a concurrent variance for approval of a reduction in the distance separation requirement, as discussed later in this staff report.

- (5) Hours of operation. No special event facility shall be authorized to remain open past 12:30 a.m. without obtaining a special land use permit for a late-night establishment.**

The applicant states the facility will close by 12:30 a.m.

- 18. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

The proposed use will not produce an adverse shadow effect.

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

While there is another special events facility approximately one mile away, the facilities are different in nature. Different Experiences at 3531 Lawrenceville Highway is a smaller venue that caters more toward birthday and gender reveal parties.

- 20. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.**

**Town Center Character Area.** While the proposal conflicts with the intent of the Town Center Character Area to create a more pedestrian-oriented environment and reduce automobile travel, it is not in conflict with the strategies of the Town Center Character Area to encourage a relatively high-density mix of uses to serve a regional market area. The site is along segment 6a of the Tucker City Trail, which is currently under design.

## **CONCLUSION**

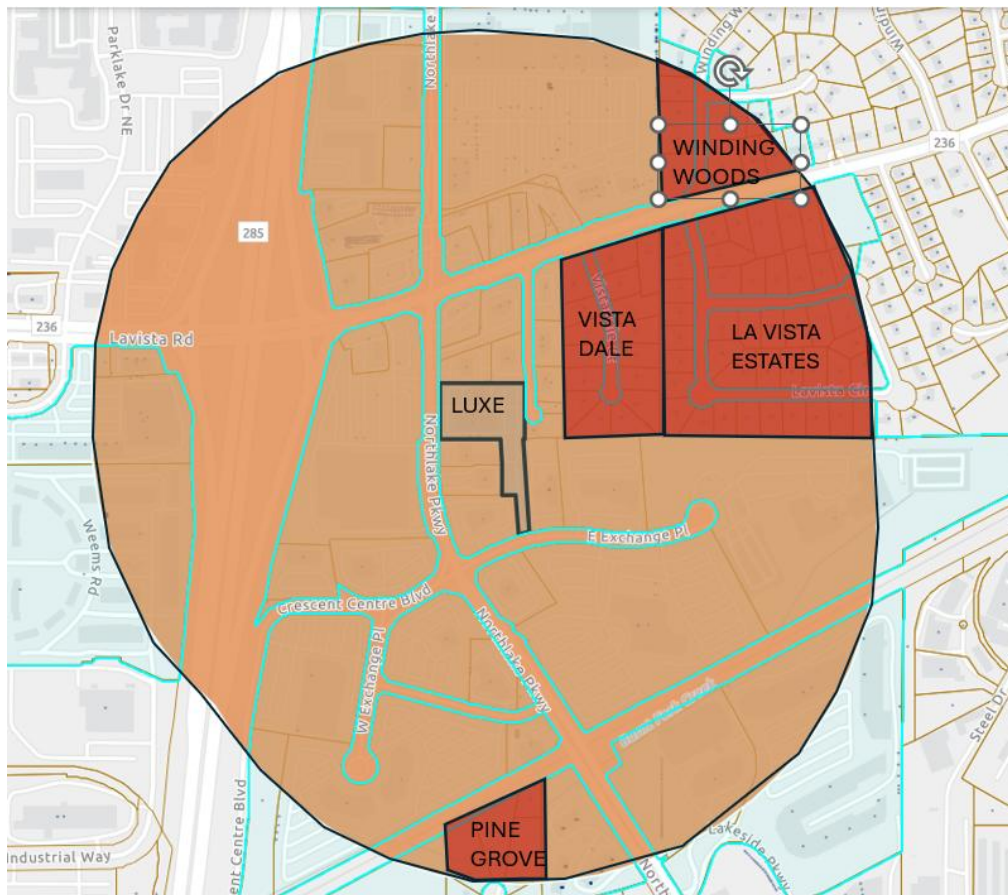
While the proposed use is not entirely consistent with the Town Center Character Area, the property has been used as a special events facility off and on for about 15 years. While the site has plenty of parking, compliance with the parking plan and improved access should be required. Aside from distance separation requirements, the special events facility meets the supplemental regulations. Conditions have been recommended by staff to ensure that the use does not adversely affect residential properties within 1,500 feet.

## Concurrent Variance (CV-25-0001) – Distance separation

The supplemental regulations (Sec. 46-1205) for special events facilities in the City of Tucker includes a distance separation requirement of 1,500 feet from “the boundary line of property zoned or used for residential purposes”, in part to preserve and improve the residential neighborhoods in Tucker. The Vista Dale Court subdivision, which is zoned NL-4 (Vista Dale Court), is approximately 170’ to the east of the eastern boundary of 2101 Northlake Parkway. Vista Dale Court includes 15 properties, most of which were constructed as single-family detached homes in the 1950’s and 1960’s. Current uses of these properties include the single-family homes as originally constructed, or professional offices. Further to the east (approximately 590’ east of the eastern property line of 2101 Northlake Parkway) is the Lavista Estates subdivision. This subdivision is composed of 50 lots of single-family detached houses and is zoned R-85 (Residential Medium Lot-85). About 41 of these homes are within 1,500 feet of the special events facility. Also within the 1,500 feet boundary are 12 homes in the Winding Woods subdivision, another R-85 subdivision filled with detached single-family houses, and several properties in the Pine Grove subdivision (R-75 zoning, Residential Medium Lot-75).

**A concurrent variance is requested to waive the distance separation requirement.**

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



*Figure 6. 1,500’ distance map with residential properties marked in red.*

**CRITERIA TO BE APPLIED – CONCURRENT VARIANCE**

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

There are no lot conditions that impact the distance separation requirements. However, the site layout and conditions of approval could mitigate the impact of the requested use. Leafy Lavista Exec. Park Dr., a commercial street zoned NL-4 (NL Vista Dale Court) provides a small buffer between the special events property and Vista Dale Court. In turn, the mix of uses along Vista Dale Court provide some degree of transition from the commercial uses along Northlake Parkway to the residential uses in the La Vista Estates subdivision.

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

Because the special events facility is located in an existing structure, it is not possible to move the use further away from the residential properties unless the business relocates. Therefore, in a technical sense, the requested variance does not technically go beyond the minimum necessary to afford relief by allowing LUXE Events to be located less than 1,500 feet from residential properties. However, all events shall be conducted indoors and the event center shall close no later than 12:30am to ensure nearby residential properties are not impacted.

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

The purpose of the distance requirement is to protect the residential nature of single-family neighborhoods and to provide a buffer from the noise and traffic of special events. Therefore, the granting of the variance could be detrimental to the public welfare and be injurious to the surrounding properties by allowing this use to be located close to residential properties. Staff notes that the current event center has been in operation for nearly two years and the City of Tucker has not received any noise complaints or traffic-related complaints. The only known issues are the difficulties faced by trucks getting stuck on the grade change at Northlake Parkway, as well as the other access issues discussed in this report.

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

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause undue and unnecessary hardship as this regulation was effective

when LUXE Events commenced business. Had the applicants or property owner contacted staff prior to leasing the space, they would have learned that the use would not meet the distance separation requirements and could have selected another location. However, an event center has been in operation at this location off and on for over a decade.

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

While the proposal does not fully meet the spirit and purpose of the Town Center Character Area or the supplemental regulations in the zoning ordinance, it contributes to a mix of uses that serve a regional market area.

**Conclusion:** Staff recommends **APPROVAL** of CV-25-0001 (distance separation requirements).

### Concurrent Variance (CV-25-0002) – Accessory Structures, material requirements

Code Section 46-1145(5) requires appropriate exterior materials for accessory structures. This is intended, in part, to promote a physically attractive, environmentally safe and economically sound mixed-use community, improve the visual appearance and increase property values, and to promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Northlake area. Accessory structures larger than 200 square feet must be constructed out of a material similar to the principal structure and comply with Sec. 46-1416 – Materials.



*Figure 7. Accessory Structure*





*Figure 8. Accessory structures*

One structure is approximately 10x30' (300 sf) and the other structure is approximately 10x20' (200 sf). The buildings were placed on the property in 2023. Exterior materials include metal lap siding and low sloped roofs. Because the primary structure for LUXE Events is covered in stucco, the regulations require stucco facing on the accessory structures. The applicant did not obtain building permits for the structures, which are not secured to proper foundations.

**A concurrent variance is requested to permit the non-conforming lap sided structures to remain.**

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

#### **CRITERIA TO BE APPLIED – CONCURRENT VARIANCE**

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

There are no lot conditions that impact the materials of the accessory structures. The applicant has the option to add on to the building or construct accessory storage structures that meet the zoning requirements. The property owner could also reallocate interior space for storage for the event center.

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

The requested variance goes beyond the minimum necessary to afford relief. The applicants can replace the exterior structures with structures that comply with the materials regulations, create a code compliant addition on to the primary building, or use interior space for storage.

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

The granting of the variance could be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The materials regulations are applicable to all properties within the city and the zoning districts. Staff notes that while the accessory structures are shielded from Northlake Parkway, they are visible from the yards on Lavista Executive Park Drive and adjacent property owners. Allowing non-compliant structures to remain does not promote a physically attractive, environmentally safe and economically sound mixed-use community, improve the visual appearance or increase property values, or unify the distinctive visual quality of the Northlake area. Additionally, the accessory structure are not set back or screened from adjacent properties.

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

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause undue and unnecessary hardship. The size and configuration of the property and structures on the site allow for several alternatives that comply with the regulations.

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

The proposed variance is not in line with the spirit and purpose of this chapter and the Comprehensive Plan. The intent of this requirement is to promote a physically attractive, environmentally safe and economically sound mixed-use community, improve the visual appearance and increase property values, and to promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Northlake area. In addition, the applicant has taken no steps to mitigate the impact of the visual appearance of the accessory structures in relation to the code requirements.

**Conclusion:** Staff recommends **DENIAL of CV-25-0002.**

## Concurrent Variance (CV-25-0003) – Accessory Structures, location

Code Section 46-1451(2)(g) prohibits the long-term storage of equipment on a parking space or parking lot. Both accessory structures were placed in the parking lot on top of striped spaces. The parking spaces under the accessory structures were just recently restriped when the property owner applied a new top coat of asphalt to try and bring the condition of the asphalt into compliance with city code. The property owner/tenant could have taken steps to modify the site layout at that time to try and come into compliance. Staff will note that the accessory structures are also located in the front yard of the East Exchange Place frontage.

The applicant states there is a need to store furniture and supplies for the special events facility on site, and therefore the applicant would like to retain the two accessory structures in their current location, rather than creating or finding a code-compliant location for the structures. The applicant states that the buildings cover approximately eight parking spaces, but that this does not inhibit their compliance with minimum parking requirements.

**A concurrent variance is requested to permit the two accessory structures to remain in their current location.**

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

### **CRITERIA TO BE APPLIED – CONCURRENT VARIANCE**

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

There are no lot conditions that impact the applicant from complying with the code requirements for accessory structures. The accessory structure were placed right up against a property line, on top of existing parking spaces, and in the front yard of the East Exchange Place frontage. Furthermore, because the buildings did not go through the requisite permitting process, it is unlikely that the current parking lot surface provides an adequate and safe foundation for the structures. The property owner and/or applicant are able to reconfigure the existing parking lot layout or the use of the existing buildings to comply with the code.

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

The requested variance would constitute a grant of a special privilege inconsistent with the limitations upon other properties in the zoning district. Accessory structures of this size require the application of a building permit prior to construction. This regulation is applied to other

properties in the zoning district and across the city. Additionally, the request goes above the minimum necessary to afford relief. The applicants have not demonstrated that physical limitations of the property prevent compliance with the regulations and there are several alternatives for compliance.

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

The granting of the variance could be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The parking lot regulations are applicable to all properties within the city and the zoning districts. Allowing this property to retain structures on a parking lot without having gone through the proper permitting and review process does not promote a physically attractive, environmentally safe and economically sound mixed-use community, improve the visual appearance and increase property values, or unify the distinctive visual quality of the Northlake area.

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

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause undue and unnecessary hardship. The configuration of the property does not prohibit the construction of compliant accessory structure(s), nor does it prohibit the applicants from going through the permitting and review process.

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

The proposed variance is not in line with the spirit and purpose of this chapter and the Comprehensive Plan. The intent of this requirement is to promote a physically attractive, environmentally safe and economically sound mixed-use community, improve the visual appearance and increase property values, and to promote uniform and visually aesthetic architectural features which serve to unify the distinctive visual quality of the Northlake area. While staff is sympathetic to the need for storage, the applicants have not demonstrated an inability to achieve extra storage in a manner that is compliant with regulations.

**Conclusion:** Staff recommends **DENIAL of CV-25-0003.**

## Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL WITH CONDITIONS** of **SLUP-25-0001 and CV-25-0001 and DENIAL of CV-25-0002 and CV-25-0003.**

1. The use of the property as a special events center shall be permitted within 1,500' of residential properties (CV-25-0001).
2. All special events shall be conducted inside the existing enclosed building. Outdoor events are prohibited.
3. The event center shall close daily by 12:30am.
4. LUXE Events shall obtain an Occupational Tax Certificate within 90 days of SLUP approval. Taxes for 2023 and 2024 shall also be submitted within 90 days of SLUP approval.
5. A final parking lot and access plan to improve the access at the curb cuts on Northlake Parkway shall be submitted and reviewed by the City Engineer prior to the 2<sup>nd</sup> read. Any necessary adjustments to the current site conditions shall be made within 90 of SLUP approval.
6. A dumpster enclosure(s) shall be constructed for all dumpsters currently located on the site. The enclosure(s) shall conform to zoning ordinance regulations.
7. The accessory storage structures on the site shall be removed from the property within 90 days of SLUP approval.

## Planning Commission Recommendation

Based upon the findings and conclusions herein, at its March 20, 2025, public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of **SLUP-25-0001 and CV-25-0001 and DENIAL of CV-25-0002 and CV-25-0003.**

1. The use of the property as a special events center shall be permitted within 1,500' of residential properties (CV-25-0001).
2. All special events shall be conducted inside the existing enclosed building. Outdoor events are prohibited.
3. The event center shall close daily by 12:30am.
4. LUXE Events shall obtain an Occupational Tax Certificate within 90 days of SLUP approval. Taxes for 2023 and 2024 shall also be submitted within 90 days of SLUP approval.



5. A final parking lot and access plan to improve the access at the curb cuts on Northlake Parkway shall be submitted and reviewed by the City Engineer prior to the 2<sup>nd</sup> read. Any necessary adjustments to the current site conditions shall be made within 90 of SLUP approval.
6. A dumpster enclosure(s) shall be constructed for all dumpsters currently located on the site. The enclosure(s) shall conform to zoning ordinance regulations.
7. The accessory storage structures on the site shall be removed from the property within 90 days of SLUP approval.