



Land Use Petition: RZ-26-0001, SLUP-26-0002, CV-26-0001

Planning Commission: April 16, 2026

Mayor and City Council, 1st Read: May 11, 2026

Mayor and City Council, 2nd Read: June 8, 2026

PROJECT LOCATION:	4270 Lawrenceville Highway
APPLICATION NUMBER:	RZ-26-0001, SLUP-26-0002, CV-26-0001
DISTRICT/LANDLOT(S):	18 th District, Land Lot 214
ACREAGE:	± 21,921 sf/0.503 acres
EXISTING ZONING:	C-1 (Local Commercial), CZ-90028, RZ-19-0003
EXISTING LAND USE:	Vacant/former gift shop
FUTURE LAND USE MAP DESIGNATION:	Downtown
OVERLAY DISTRICT:	N/A
APPLICANT:	Julie Sellers/Dillard Sellers for Rocket Brew, Inc.
OWNER:	B&A Ventures, LLC
PROPOSED DEVELOPMENT:	SLUP to allow a drive-thru facility; concurrent variance to setback regulations; major modification request to amend conditions of zoning for RZ-19-0003
STAFF RECOMMENDATION:	Deferral of RZ-26-0001, SLUP-26-0002, CV-26-0001

Project Data and Background

The applicant, Julie Sellers of Dillard Sellers for Rocket Brew, Inc, is requesting a **major modification** to a previous zoning case (RZ-26-0001 to modify RZ-19-0003), a **Special Land Use Permit** (SLUP-26-0002) for a drive-through facility, and a **concurrent variance** (CV-26-0001) to setback regulations for the property located at **4270 Lawrenceville Highway** for a proposed drive-through coffee shop (7 Brew). The initial application that was submitted included a second parcel, the 332 square foot sliver of property to the south (4268 Lawrenceville Highway, PIN 18 214 20 025), but the applicants have since amended the petition to only include 4270 Lawrenceville Highway (PIN 18 214 10 028). This petition was deferred at the March 19, 2026, meeting of the Planning Commission at the petitioner's request to allow more time to finalize the property survey, determine how to proceed with 4268 Lawrenceville Highway, and modify building elevations.

The subject site is ± 0.5 acres and is located in Downtown Tucker at the intersection of Burns Ave, Lynburn Drive, and Lawrenceville Highway. Initially used as a residence and more recently as a gift shop, the existing 1,889 square foot structure on the property is now vacant and in a state of disrepair. Degraded surface parking is located between the building and Lawrenceville Highway. The parcel is currently accessed by a curb cut on Lynburn Drive, as well as a shared driveway off Lawrenceville Highway.

The applicant proposes a complete redevelopment of the site, including the demolition of the circa 1950 structure and construction of a new drive-through coffee shop. Proposed is an 897 square foot building with two drive-through lanes and a bypass lane, a dumpster enclosure, five (5) parking spaces, and three (3) bicycle parking spaces. With the exception of a walk-up ordering window, the establishment is drive-through only. Customers are not able to go inside the establishment to order, nor is any indoor seating provided. The redevelopment of this site will require the applicant to extend the sewer line down Lynburn Drive, as the site is currently on septic. The proposed building is located four (4) feet from the property line along Lynburn Drive, which requires a variance in the C-1 zoning district, but is in line with the surrounding Downtown area.

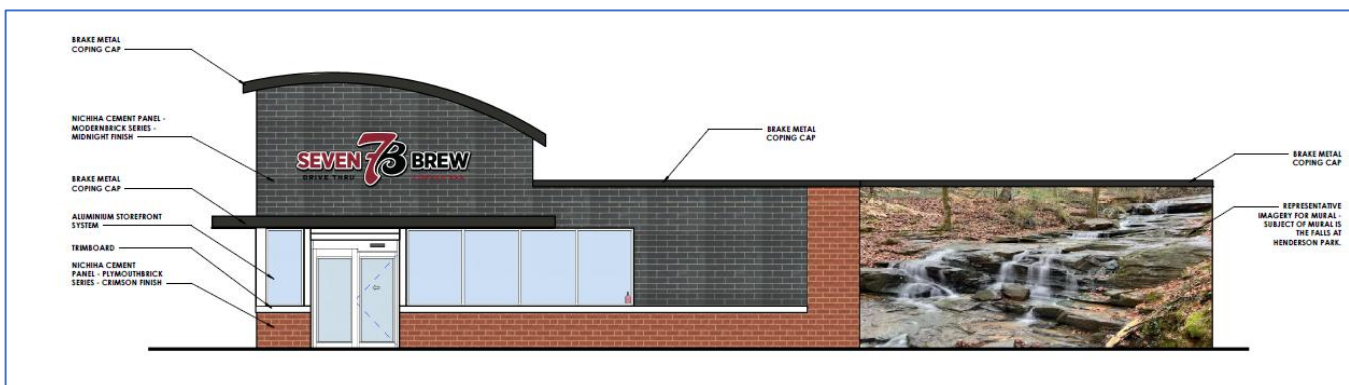


Figure 1. Proposed northern elevation, including walk-up entry and mural facing Lynburn Drive.

The property at 4270 Lawrenceville Highway is unique in that it is zoned C-1, but it is surrounded by properties zoned DT-2 and DT-3 (with the exception of 4268 and 4260 Lawrenceville Highway). The property is also located within the Downtown character area of the Comprehensive Plan, which does not support C-1 zoning. Previous zoning cases for this property are outlined below:

- 1990: The subject property was the sole parcel in a DeKalb County rezoning petition (Z-90028), where the property was rezoned from R-75 to C-1. A 50' transitional buffer along the common property line with 4260 Lawrenceville Highway, which remained R-75, was required as part of the rezoning.
- 2008: DeKalb County enacted the Downtown Tucker Overlay District for properties between/along Brockett, Lavista, and Lawrenceville Highway. 4270 Lawrenceville Highway was in the Village Zone of the Downtown Tucker Overlay District.
- 2019: A developer, who had assembled three properties, applied for a rezoning (RZ-19-0003) and a SLUP (SLUP-19-0006) for a mixed-use project with an Arby's drive-through at 4260, 4268, and 4270 Lawrenceville Highway. As part of this application, 4260 Lawrenceville Highway was rezoned from R-75 to C-1 and 4270 Lawrenceville Highway was rezoned from C-1 to C-1 so that the zoning conditions and site plan would be tied to both parcels.
 - The 2019 approval was conditioned to a site plan that included a retail/commercial/office building on the subject parcel at the corner of Lynburn Drive and Lawrenceville Highway. This building was required to have a prominent entry feature and building design that activated the corner, as well as an entrance oriented toward the intersection. The additional parcels at the time allowed the drive-through restaurant to be located away from the intersection and screened by mixed-use building. The site plan also allowed for more vegetation to screen the appearance of the drive-through lane from the street.
 - In order to develop outside of the approved conditions and site plan (dated June 10, 2019), a major modification is required. Staff will note that these applications were submitted before the city-wide zoning initiative (RZ-19-0002) that rezoned all of the parcels in the Downtown Tucker Overlay District to the Downton Special Zoning Districts.

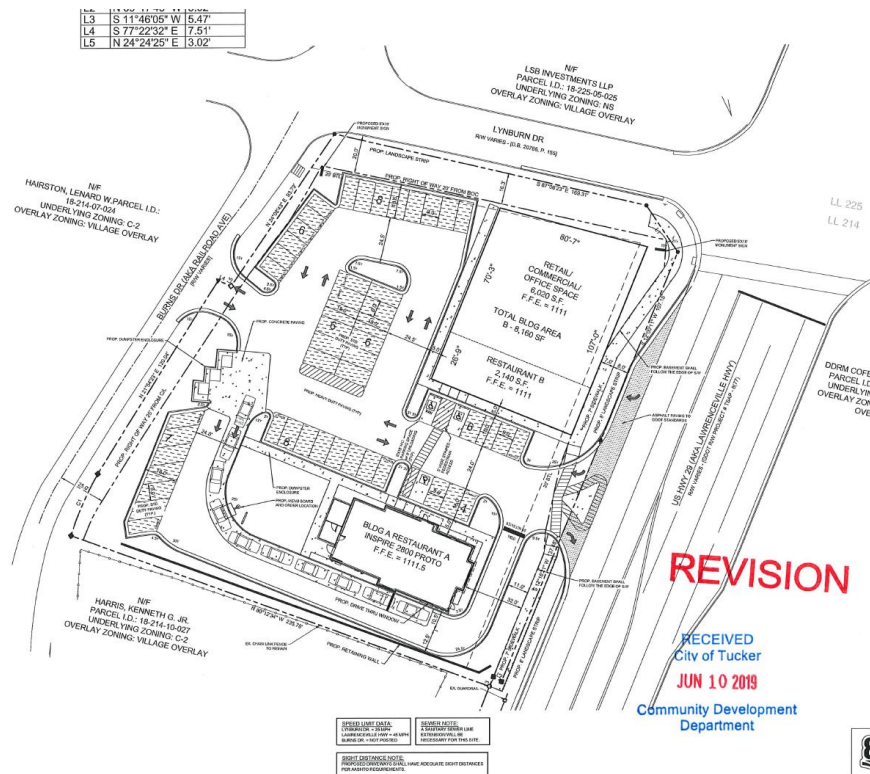


Fig. 2. June 10, 2019 Site Plan for RZ-19-0003 and SLUP-19-0006

Based in Arkansas, 7 Brew originated in 2017 as a drive-through only concept with a small footprint and low-cost modular construction. 7 Brew is one of the many expanding coffee shop companies in the U.S. By 2025, the company had become the second largest drive-through only coffee chain with over 600 locations, behind Dutch Bros. with over 1,000 locations, including a new store in Tucker. In the last year, 7 Brew started developing customizable stores that include a walk-up ordering option.

USE ANALYSIS AND DEVELOPMENT PERMISSIONS

Sec. 46-758 of the zoning ordinance states “The purpose and intent of the mayor and city council in establishing the C-1 (Local Commercial) District is as follows:

- (1) To provide convenient local retail shopping and service areas within the city for all residents;
- (2) Reserved;
- (3) To provide for quality control in development through materials and building placement;
- (4) To ensure that the uses authorized within the C-1 (Local Commercial) District are those uses which are designed to serve the convenience shopping and service needs of groups of neighborhoods;
- (5) To implement the future development map of the city’s most current comprehensive plan.”

Restaurants and coffee shops are allowed by right in the C-1 zoning districts, but a drive-through configuration requires approval of a SLUP to ensure compatibility with surrounding land uses and consistency with the City of Tucker’s Comprehensive Plan. Additionally, this use must comply with the supplemental use regulations found in Sec. 46-1166. Among other purposes, these regulations outline the required car stacking spaces, provision of a bypass lane, and the location of drive-through menus, speaker boxes and service windows.

CHARACTER AREA (Future Land Use)

Under the *Tucker Tomorrow* Comprehensive Plan, the subject property is located in the Downtown character area. Primary land uses include residential, retail and service commercial, office, vertical mixed use, incubator start-ups and shared tenant spaces, and civic uses. Development strategies include preserving downtown’s special small-town qualities, allowing zero-lot line development with buildings with storefront windows along the sidewalk, and implementing streetscape designs that are highly pedestrian-oriented, with strong walkable connections between different uses. A key design consideration is to promote walkability with design elements that privilege pedestrians and bicyclists over automobiles and incentivize new walkway connectivity.

While a restaurant/coffee shop is a compatible land use, the proposed drive-through only design contradicts the area's development strategy as it prioritizes vehicular access and design.

PUBLIC PARTICIPATION PLAN REPORT

The applicant hosted a public participation meeting on December 30, 2025, at the Fellowship Hall of Main Street Church. 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 seven (7) members of the community in attendance, in addition to three (3) members of the applicant team. Representative attorney Julie Sellers presented a PowerPoint presentation (included in this packet) to

the attendees. Concerns and issues raised at the meeting include sewer connection, the mural, trespassing and interparcel connectivity, other 7 Brew locations in Georgia, the adjacency next to Starbucks, the width of Burns Avenue, and whether the property is under contract or already purchased. Based on feedback, the portion of Burns Avenue adjacent to the subject property is now wider on the site plan and the applicant offered to install fencing along the southern boundary, if needed.

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning	Existing Land Use
Nearby: Northwest	DT-3 (Downtown Village Zone)	Multi-family apartments, age 62+
Adjacent: North (Across Lynburn Dr)	DT-3 (Downtown Village Zone)	Mixed-use commercial development that includes two drive-throughs
Adjacent: East (Across Lawrenceville Hwy)	DT-2 (DT Corridor Zone)	Mixed-use commercial development that includes one drive-through
Adjacent: South	C-1 (Local Commercial)	Hair Salon
Adjacent: West (Across Burns Ave)	DT-3 (Downtown Village Zone)	Office for staffing agency

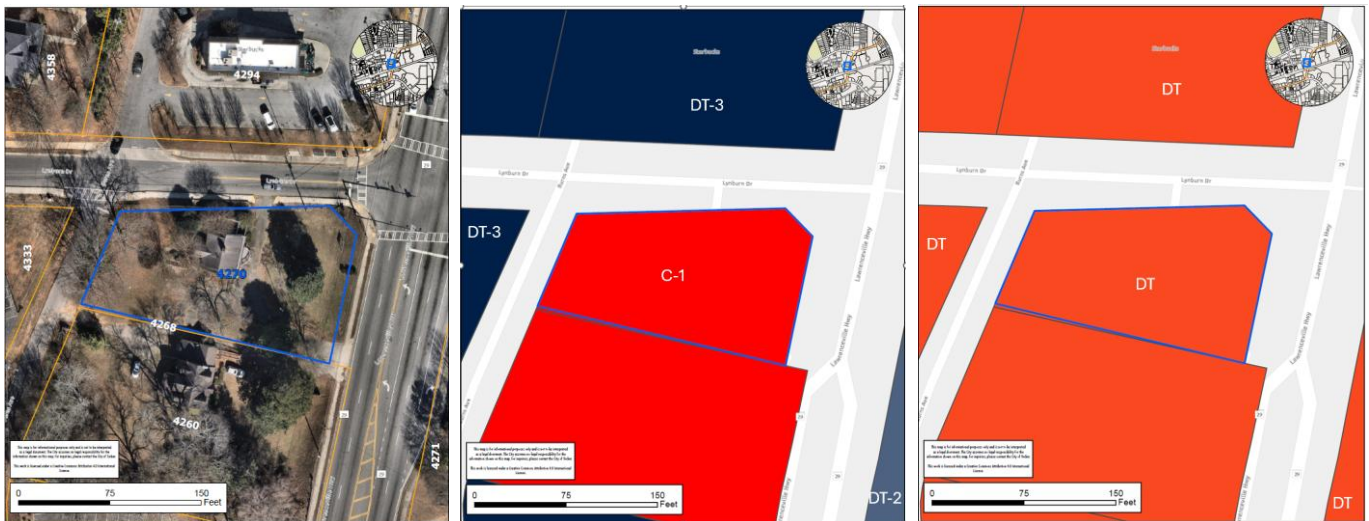


Figure 3. Aerial, Zoning, and Future Land Use Maps

RZ-26-0001 - Major Modification of RZ-19-0003

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 such as changes to conditions of approval require the full public hearing review process. Criteria (standards and factors) for rezoning decisions are provided in Section 46-1560 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.

The 2019 rezoning (RZ-19-0003) included sixteen (16) conditions of approval and 2019 SLUP (SLUP-19-0006) included twenty-three (23) conditions, 16 of which were repeated from RZ-19-0003. Several of these conditions referenced compliance with the Downtown Tucker Overlay District and the new Downtown Special Zoning Districts to ensure the redevelopment was consistent with the surrounding area.

CRITERIA TO BE APPLIED:

1. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.

The policy and intent of the Downtown character area includes a variety of residential uses, as well as “retail and service commercial uses, offices, vertical mixed use, incubator start-ups and shared tenant spaces and civic uses.” Development strategies include preserving downtown’s special “small-town qualities” and “implementing streetscape designs that are highly pedestrian-oriented, with strong, walkable connections between different uses.” Design considerations include locating buildings at the street to screen vehicle components such as parking and to “promote walkability with design elements that privilege pedestrians and bicyclists over automobiles and incentivize new walkway connectivity.”

While the applicant has tried to mimic the DT setbacks by positioning the proposed building along Lynburn Drive, the overall site layout does not comply with the Downtown character area. The building is very small and only abuts one of three street frontages, there is limited storefront/street activation, and the majority of the site is designed for vehicular use and access (stacking lanes and bypass lane). The proposed 897 square foot building for 7 Brew only takes up approximately 4% of the 21,444 square foot site. While storefront windows are shown along Lynburn Drive, the majority of this space is inactive, including the accessory cooler that directly abuts the main building along Lynburn Drive. Historically, 7 Brew has used pre-fab buildings which provide very little flexibility to create unique buildings that comply with local codes and design standards. A more traditional, custom-built structure would allow for more compatibility with the Downtown character area.

2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties.

The subject proposal includes a drive-through only facility. A walk-up door was added after discussion with staff. Staff would like to see additional outdoor dining opportunities, such as a patio at the northwestern corner of the plan near Lynburn Drive and Burns Avenue. Nearby land uses are mixed, including an age restricted independent living facility (Hearthside) and other drive-through configurations. Most notably, a Starbucks coffee shop with a drive-through configuration is located across Lynburn Drive and a Taco Bell/KFC is located across Lawrenceville Highway. However, these drive-through developments predate the City of Tucker.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject property does not have a reasonable economic use as currently zoned as the approved site plan requires an assemblage that is no longer viable. However, any modifications to the existing zoning should still be compatible with the criteria herein.

4. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.

The proposed modification has the potential to adversely affect the existing use or usability of nearby properties. Drive-through coffee shops are only required to have three stacking spaces per lane, and there is potential for back-up at the entrances on both Lawrenceville Highway and Burns Avenue. Additionally, the proposed architectural style is not in keeping with the shopping center to the north (Starbucks) or nearby Hearthsides apartments. The applicants did revise the material selections based on staff feedback, but the barrel roof is a significant departure from the design of adjacent properties and is prohibited in the Downtown special zoning district. Staff recommends further refining the architecture to be compatible with the adjacent DT-3 properties and the Downtown character area.

5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The applicant has stated that, due to changing ownership of the parcels included in the 2019 zoning approval, it is no longer possible to develop the June 10, 2019 site plan. Therefore, the applicant wishes to develop this single parcel under the C-1 zoning without the restriction of the prior land use cases. A modification is warranted, but the proposal should comply with the regulations herein.

6. Whether the zoning proposal will adversely affect historic buildings, site, districts, or archaeological resources.

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

7. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The additional traffic generated by a drive-through only coffee shop could cause a burden on existing streets. The proposal will also create an impact on the sewer infrastructure as this parcel is currently served by septic.

8. Whether the zoning proposal adversely impacts the environment or surrounding natural resources.

The proposed zoning modifications will not adversely impact the environment or surrounding natural resources with proper adherence to developmental regulations. However, a survey from

the Z-90028 case lists asbestos siding, so asbestos abatement will be required before the building can be demolished.

CONCLUSION: Staff recommends a deferral of RZ-26-0001 so that the applicant can rework the building footprint and architecture to better align with the Downtown character area and surrounding land uses.

SLUP-26-0003 – Drive-through configuration

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.**

Although the ±21,444 square foot site is small for this use, it meets the C-1 standards for open space (10% min.) and lot coverage (80% max.).

The project does not meet setback regulations along Lynburn Drive, for which the applicants have requested a concurrent variance. The setbacks, as well as the supplemental drive-through regulations, are addressed later in this report.

While the recently installed streetscape along Lynburn Drive requires no changes, the proposed frontage along Lawrenceville Highway does not conform to city standards. It fails to meet the 16-foot arterial road requirement (10-foot landscape strip and 6-foot sidewalk per Sec. 46-1336) or the 15-foot Downtown district requirement (8-foot landscape strip and 7-foot sidewalk per Sec. 46-994).

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

Drive-through facilities in C-1 districts require SLUP approval to evaluate neighborhood compatibility. Staff finds the proposed drive-through incompatible with the adjacent DT-2 and DT-3 properties, where such facilities are prohibited. Although nearby restaurants (Starbucks and KFC/Taco Bell) utilize drive-throughs, those were approved by DeKalb County under broader mixed-use rezoning petitions (CZ-00114 and CZ-96066) for significantly larger sites (3.6 and 54 acres, respectively). Unlike the current proposal, those projects were integrated into large-scale developments with comprehensive site improvements.

- 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 development triggers stormwater management requirements. No stormwater management currently exists on this site.

Water and sewer. The applicant will need to gain approval from DeKalb County Department of Watershed Management (DWM) to extend the sewer line down Lynburn Drive as the property is currently served by septic. Approximately 500' of new sewer line will need to be installed under Lynburn Drive in order to connect the property to DWM infrastructure.

- 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 Trip Generation Report states the proposed use – “Coffee/Donut Shop with Drive Thru and No Indoor Seating,” land use code 938 – will generate approximately 8 new trips in the AM peak hours and 2 new trips in the pm peak hours, plus an additional 72 new “pass-by” trips in the am peak hours and 28 new “pass-by” trips in the pm peak hours. “Pass-by” trips are those that come from traffic that is already passing by. There is the potential for congestion in peak a.m. hours.

- 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 Lawrenceville Highway would be adversely affected by the character of the vehicles or volume of traffic generated by the proposed drive-through restaurant. Lawrenceville Highway has two lanes of traffic in each direction as well as a center turn lane. There is potential for traffic concerns along Lynburn Drive and Railroad Avenue, which are smaller local roads.

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

The proposed site plan provides adequate vehicular ingress and egress to the coffee shop, but staff is concerned with the potential for congestion during the peak a.m. hours. Pedestrian safety could be an issue internally, as individuals parking in the on-site parking spaces must cross three lanes of vehicular travel to access the building, although a dedicated crosswalk is shown on the site plan. While the access for this property along Lawrenceville Highway will be improved in terms of left turning movements, it is creating a second curb cut immediately adjacent to the existing shared curb cut with 4260 Lawrenceville Highway. Staff recommends that the applicant work with the adjacent property owner to create a new shared driveway that works with the proposed development. This will require construction easements and permanent access easements. Reconfiguring the access from Lawrenceville Highway will also ensure interparcel connectivity.

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

The proposed development will not generate excessive noise, nor will it emit dust or vibrations. The 7 Brew concept does not include a speaker box, often a common noise complaint for drive-through facilities.

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 have not been stated. Nearby 7 Brew locations in Lilburn, Johns Creek, and Snellville operate from 5:30 am to 10 pm daily which is similar to surrounding uses. The adjacent Starbucks with drive-through is open daily from 5 am to 10 pm.

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

The proposed use of a drive-through facility could create adverse impacts on adjoining land uses as the use is predominately automobile oriented at a busy intersection with two other drive-throughs establishments.

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.

If approved by SLUP, the proposed drive-through coffee shop will comply with the C-1 zoning district. An exception is the front setback encroachment along Lynburn Drive, for which the applicants are seeking a concurrent variance.

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

The policy and intent of the Downtown character area includes a variety of residential uses, as well as “retail and service commercial uses, offices, vertical mixed use, incubator start-ups and shared tenant spaces and civic uses.” Development strategies include preserving downtown’s special “small-town qualities” and “implementing streetscape designs that are highly pedestrian-oriented, with strong, walkable connections between different uses.” Design considerations include locating buildings at the street to screen vehicle components such as parking and to “promote walkability with design elements that privilege pedestrians and bicyclists over automobiles and incentivize new walkway connectivity.”

While the applicant has tried to mimic the DT setbacks by positioning the proposed building along Lynburn Drive, the overall site layout does not comply with the Downtown character area. The building is very small and only abuts one of three street frontages, there is limited storefront/street activation, and the majority of the site is designed for vehicular use and access (stacking lanes and bypass lane). The proposed building for 7 Brew only takes up approximately 4% of the 21,444 square foot site. While storefront windows are shown along Lynburn Drive, the majority of this space is inactive, including the accessory cooler that directly abuts the main building along Lynburn Drive. Historically, 7 Brew has used pre-fab buildings which provide very little flexibility to create unique buildings that comply with local codes and design standards. A more traditional, custom-built structure would allow for more compatibility with the Downtown character area.

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

The project does not require a transitional buffer zone, but it does require perimeter landscape strips and landscaping. The applicant has submitted a landscape plan that includes perimeter landscape strip, parking lot landscaping, and the requisite tree density. Staff notes that a landscape and irrigation plan prepared by a landscape architect registered in the State of Georgia is required per Sec. 46-953 of the Tucker Ordinance for the LDP application.

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

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

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

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

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

It is staff's opinion that the building size, mass and scale is small in relation to the site and the surrounding land uses. The location of the storage structure is also not appropriate as it is located predominately along a public street frontage.

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

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

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

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

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

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

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

There are no residences within sixty (60) feet of the subject property.

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

At 21,444 square feet, the subject property is more than required. Drive-through coffee shops require a minimum of three stacking spaces instead of the ten required by drive-through restaurants. The drive-through configuration accommodates the required minimum of three minimum stacking spaces.

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

The drive-through lanes and service window are situated along the south side of the building, facing the only interior side property line.

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

The drive-through canopy appears to be constructed of similar materials. However, staff recommends traditional brick sizes rather than the large modular blocks that are proposed, in order to be more compatible with the Downtown character area.

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

The 7 Brew concept does not use speaker boxes, instead relying on human employees to take the orders. If a speaker box were to be added in the future, it would comply with this regulations.

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

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

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

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

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

Not applicable.

- (9) The following general standards shall apply to all stacking spaces and drive-through facilities:**
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- a. **Drive-through lanes shall not impede on and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.**

Pedestrian access to a walk-up order window is provided along Lynburn Dr.

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

The drive-through configuration appears to be compliant with this regulation.

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

The application is in compliance with this regulation.

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

The application is in compliance with this regulation.

Although the property is zoned C-1, the subject property is located within the Downtown character area and is surrounded by DT zoning. Therefore, it is reasonable to review the drive-thru facilities regulations for the DT special zoning districts.

Sec. 46-995. – Drive-thru facilities.

The following applies in addition to any applicable standards of article IV:

- a. **All drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building.**

The drive-thru lanes and dumpster enclosure are located at the side of the building.

- b. **Drive-thru windows and lanes must be screened by a continuous compact evergreen hedge. At the time of installation, the screening must be at least three feet high and reach a height of four feet within three years of planting.**

The drive-thru lanes will be screened by a perimeter landscape border.

- c. **In lieu of the compact evergreen hedge, a screening wall with a minimum height of four feet may be installed. The wall must be compatible with the principal building in terms of texture, quality, material, and color.**

No screening wall is proposed.

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.

There are several drive-through facilities in the Downtown character area that are immediately adjacent to this site. Directly across Lynburn Drive is a shopping center with a Starbucks drive-through coffee shop with a dining room, a Walgreen's pharmacy with a drive-through, and another establishment that has a drive-through that is not currently in use. Diagonally across Lawrenceville Highway is a Taco Bell/KFC drive through restaurant with a dining room. If approved, there will be three drive-through establishments at the intersection of Lynburn Drive and Lawrenceville Highway.

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.

Drive-through restaurants offer convenience for commuters and families but have the potential for adverse impacts on adjacent properties, such as traffic congestion spilling onto public roads. These concerns can be increased when the site abuts residential neighborhoods or pedestrian-oriented areas. While the proposal would extend sewer to the area and redevelop a vacant structure, it does not appear to be consistent with the needs of the neighborhood as there is already a proliferation of drive through facilities in the subject character area and immediate area.

CONCLUSION: Staff recommends deferral of SLUP-26-0002 so that the applicant can rework the building footprint and architecture to better align with the Downtown character area and surrounding land uses.

Concurrent Variance (CV-26-0001) – Setback regulation

The dimensional regulations for buildings in the C-1 zoning district are located in Sec. 46-702. As a corner property, the subject parcel has the equivalent of two front yards. The minimum required setbacks for this property are as follows:

- Front setback along Lawrenceville Highway, a major arterial: minimum sixty (60) feet.
- Side corner setback along Lynburn Drive, a local road: minimum fifty (50) feet.
- Side interior setback (southern property line): minimum twenty (20) feet.
- Rear setback along Burns Avenue: minimum thirty (30) feet.

A concurrent variance is requested to reduce the side corner setback requirement from fifty (50) feet to four (4) feet.

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

CRITERIA TO BE APPLIED – CONCURRENT VARIANCE

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

The subject property is relatively flat and does not have any known environmental hardships. However, it does have three road frontages, which creates development challenges. The application of large front setbacks on multiple frontages would diminish the buildable area of the lot.

- 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.**

Granting a smaller side corner setback would be inconsistent with the C-1 zoning district, which tends to have large setbacks along arterial roads. However, the request would be more consistent with the Downtown character area of the comprehensive plan.

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

The purpose of the setback regulation is to establish a uniform distance between the property line and the building within a specific zoning district. In this unique situation, the subject property is one of two adjacent parcels that are zoned C-1 and are surrounded by DT-3 and DT-2 zoning. Thus, it is appropriate to look beyond the zoning district and to the adjacent parcels for this criterion. Application of the large front setback is appropriate along Lawrenceville Highway frontage, as the proposed structure aligns with those in the shopping center to the north. However, a large side corner setback along Lynburn Drive is less appropriate. Each of the other properties along Lynburn Drive has a minimum of zero (0) to a maximum of twenty (20) feet setback from Lynburn Drive. This means that the variance request to allow a four (4) foot setback from Lynburn Drive is in harmony with the regulations for the other properties along Lynburn Drive.

- 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 cause undue and unnecessary hardship. Due to the three frontages on this road, the application of a large setback along Lynburn Drive diminishes the buildable area of this half acre lot.

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

The requested concurrent side corner setback variance appears to meet the spirit and purpose of the Downtown character area of the comprehensive plan. The variance would bring the building closer to the street, which is an essential component of a pedestrian oriented downtown. Staff recommends that the developmental regulations of the DT special zoning districts be applied to this project to ensure compatibility with the regulations for the surrounding properties. For example, the use of standard sized brick rather than the proposed Nichiha panel brick, and the use of recesses and material changes to frame the proposed mural and create a more pedestrian orientated scale.

CONCLUSION: Staff recommends **approval with conditions** of CV-26-0001 (setback requirements) if RZ-26-0001 and SLUP-26-0002 are approved. If RZ-26-0001 and SLUP-26-0002 are denied, CV-26-0001 will also need to be denied.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends a **deferral** of **RZ-26-0001, SLUP-26-0002, and CV-26-0001.**
