



**Land Use Petition:** RZ-21-0001

**Date of Staff Recommendation Preparation:** April 1, 2021

**Planning Commission:** April 15, 2021

**Mayor and City Council, 1<sup>st</sup> Read:** May 10, 2021

**Mayor and City Council, 2<sup>nd</sup> Read:** June 14, 2021

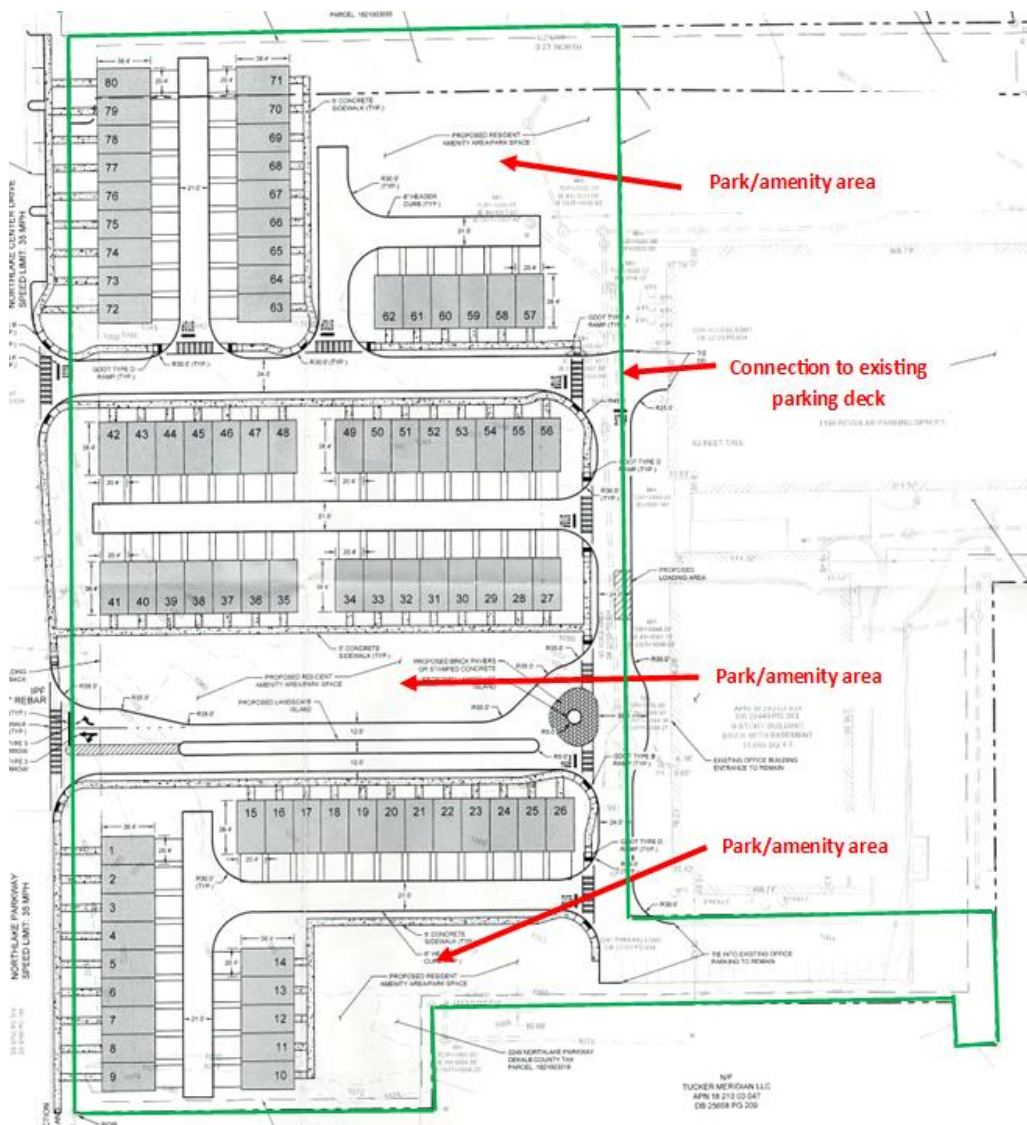
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<b>PROJECT LOCATION:</b>	2245 & 2249 Northlake Parkway
<b>APPLICATION NUMBER</b>	RZ-21-0001
<b>COMPANION APPS.</b>	CV-21-0001
<b>DISTRICT/LANDLOT(S):</b>	Land District 18, Land Lot 210
<b>ACREAGE:</b>	7.29 acres
<b>EXISTING ZONING</b>	NL-2 (Office Park)
<b>EXISTING LAND USE</b>	Office Buildings
<b>FUTURE LAND USE MAP DESIGNATION:</b>	Regional Activity Center
<b>OVERLAY DISTRICT:</b>	N/A
<b>APPLICANT:</b>	SDM Northlake, LLC
<b>OWNER:</b>	SDM Northlake, LLC
<b>PROPOSED DEVELOPMENT:</b>	NL-4 (Northlake-Vista Dale Court) to allow a residential townhome development; concurrent variance to lot coverage requirements
<b>STAFF RECOMMENDATION:</b>	Denial of RZ-21-0001 and denial of CV-21-0001

## Project Data

The applicant is requesting to rezone two parcels from NL-2 (Office Park) to NL-4 (Vista Dale Court) for the development of an 80-unit rental townhome development on a combined  $\pm 7.29$  acres ( $\pm 10.9$  units per acre). 2245 Northlake Parkway is developed with an office building and the second, smaller, parcel is a mostly wooded lot with a small portion of an existing parking lot on it. Both parcels are located along the frontage of Northlake Parkway. To the east of the subject parcels, there is another parcel with an office building and a 7-level parking deck.

18 units of the 80-unit proposed development front Northlake Parkway and have walkways from the front doors to the proposed sidewalk/multiuse trail along the minor arterial road. The remaining units front a new network of public streets and alleys. All of the units are rear loaded and have connectivity to internal sidewalks and open spaces. There are two entrances proposed along Northlake Parkway. The southern entrance includes a tree-lined median with a park. The northern entrance provides access to the townhomes, as well as a direct connection to the existing 7-level parking deck (1200 spaces) that is to remain on the adjacent parcel.



Three park areas are labeled on the site plan; however, no details are provided about their design. A two-car garage is proposed on each unit as well as a 20' driveway. The garages and driveway spaces will allow residents and guests to have parking at their individual units. The applicant stated during the public participation plan meeting that all parking would be provided on the site at the new development, and that there would not be parking for guests or residents in the parking deck on the neighboring property (east). The applicant has shown 7 parallel parking spaces along Northlake Parkway for guest parking.

The proposed townhomes will remain under single ownership and will be leased individually to residents. Therefore, the developer is proposing to have all 80 units on one lot, similar to an apartment development. The applicant's letter of intent notes that no short-term rentals will be offered and that the shortest lease offered will be 6 months. Staff has included a condition regarding minimum lease lengths, per the applicants statement. A growing model in Georgia, the rental townhomes will be marketed to those with the means to own, but with the desire to rent.

The Tucker Zoning Ordinance does not define building types by ownership. A townhouse is defined as "one of a group of three or more single-family dwelling units, attached side-by-side by a common wall." A multifamily dwelling unit is defined as "one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained residential unit in a building containing four or more dwelling units."

The applicant is requesting a rezoning from NL-2 to NL-4 as that is the only Northlake Zoning District that allows for townhomes. The NL-4 (NL-Vista Dale Court) zoning district was created to preserve the existing scale and character of Vista Dale Court by encouraging compatible new development. The district intends to create a transition between more intense development to the west of Vista Dale Court and the single-family neighborhoods to the east of Vista Dale Court. Vista Dale Court is located on the south side of Lavista Road across from the Tucker Meridian shopping center. The parcels on this street and on the east side of Lavista Executive Park Drive were rezoned in 1986 to allow for a development that was never constructed. In 2019 these 21 parcels were rezoned by the City of Tucker to NL-4 in an effort to protect surrounding neighborhoods while allowing for various by-right uses. At present, these are the only parcels in the City of Tucker with the NL-4 zoning designation.

The intent of the NL-2 (Northlake Office Park) zoning district is to reflect established office, retail, and multifamily areas and to allow residents to live close to employment and provide accessibility to shopping areas.

Staff will note that while townhomes are only permitted by right in the NL-4 zoning district, multifamily housing up to 24 units per acre or less is allowed by right in NL-1, NL-2, and NL-3. Multifamily up to 24 units per acre or less requires a SLUP in NL-4.

The applicant is requesting a concurrent variance, CV-21-0001 regarding lot coverage in the NL-4 zoning district.

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

The subject parcel is in the Regional Activity Center on the Future Land Use Map. Primary Land Uses in the Regional Activity Center Character Area include townhomes, apartments, condominiums, retail and service commercial, office, entertainment and cultural facilities, and public/private recreational uses.

Development strategies include encouraging a relatively high-density mix of retail, office, services, and employment to serve a regional market area; developing a diverse mix of higher-density housing types including affordable and workforce housing; designing streetscapes to be pedestrian-oriented; and making connections to nearby networks of greenspace or trails. The applicant stated in their public participation meeting that the proposed rent will be between \$2500 and \$2700 a month.

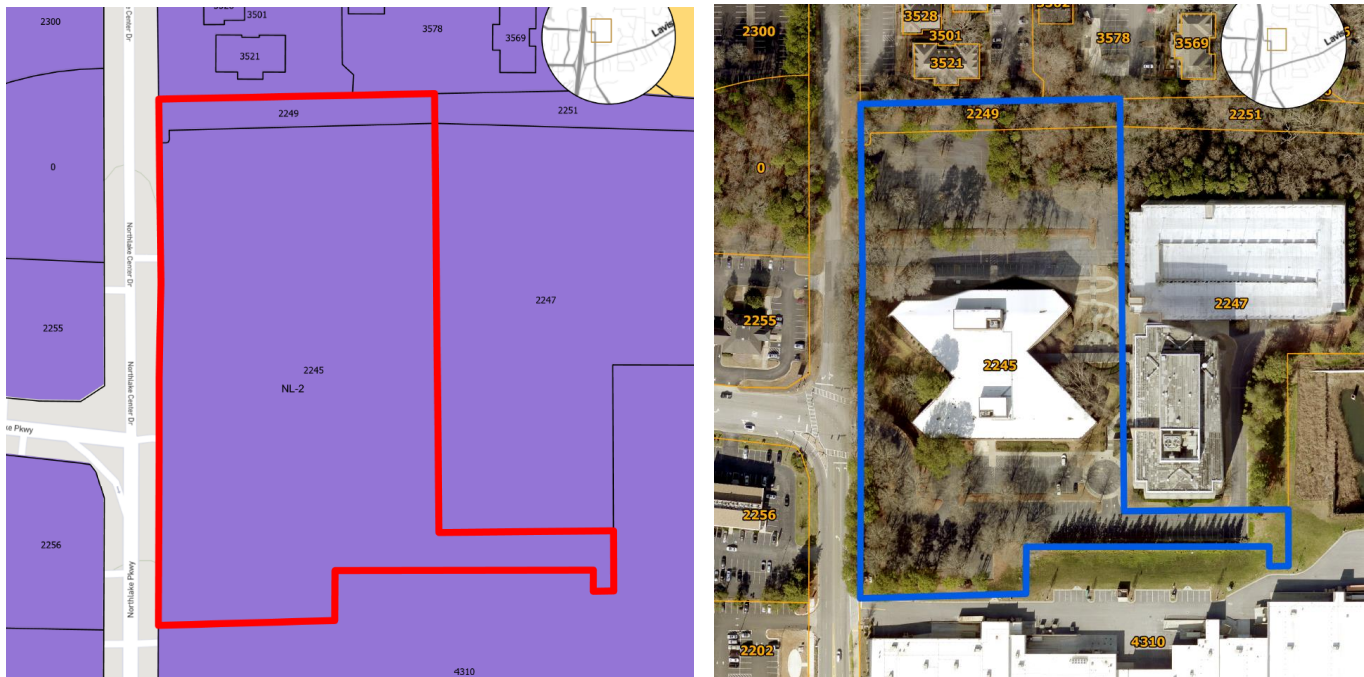
### **PUBLIC PARTICIPATION PLAN REPORT**

The applicant hosted a forty-five-minute virtual community meeting on February 22, 2021 after mailing a letter and site plan explaining the proposed project to all property owners within 500 feet of the subject parcel. Thirty people were in attendance including the applicant, developer, engineer, the property owner and several neighboring property owners in the Winding Woods neighborhood.

During the meeting the project and site plan were explained to the audience, then questions were taken. Several questions were asked regarding parking for residents and visitors, the leasing model (as opposed to a for-sale product), traffic, and screening from the development for the residents in the neighboring homes. Other concerns related to wildlife, the use of the remaining office building, and demolition of the building at 2245 Northlake Parkway were discussed. It does not appear that any changes were made to the site plan as a result of the Public Participation Meeting.

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

Adjacent & Surrounding Properties	Zoning (Petition Number)	Existing Land Use
Adjacent: North	NL-2 (Office Park)	Habersham at Northlake office park
Adjacent: East	NL-2 (Office Park) and R-85 (Residential Medium Lot-85)	Office building and parking deck; Winding Woods neighborhood
Adjacent: South	NL-2 (Office Park)	Tucker Meridian shopping center
Adjacent: Northwest	NL-2 (Office Park)	Office building and surface parking lot
Adjacent: Southwest	NL-2 (Office Park)	Office building, restaurant, The Reid Apartments
Adjacent: West	NL-2 (Office Park)	Bank



*Zoning and Aerial Exhibits showing surrounding land uses.*

### Rezoning (RZ-21-0001)

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.

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

The proposed development meets the policy and intent of the Tucker Tomorrow comprehensive plan. Goal 3 of the comprehensive plan calls for new higher density housing developments to be located in the Northlake area, and Goal 5 identifies the office parks near Northlake Mall to be good locations for infill development.

A townhome product is consistent with the Regional Activity Center character area and conditions have been suggested so that the proposed development meets the intent of the design considerations as it relates to the connectivity in the Northlake area. Although the development itself meets the intent of the comprehensive plan, staff would like to note that the NL-4 zoning district was created for a specific street in Tucker (Vista Dale Court) and the intent of the zoning ordinance cannot be met by this development as the location is not on Vista Dale Court. It also does not provide the transition that is intended by the NL-4 zoning district.

**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.**

Rezoning the subject parcels to NL-4 to allow the development of an 80-unit rental townhome community that is under common ownership will permit a use that is suitable in the view of the use and development of adjacent and nearby properties at the present time. The surrounding properties include office and retail uses as well as a multi-family development. However, the townhome units could be adversely impacted being at the entrance of an office building and 7 level (1200 space) parking deck, as well right across from the access of 285.

Although leaving the rear parcel as an office building provides separation between the single-family homes in the Winding Woods neighborhood and the proposed higher density rental townhome development, the transition of zoning districts is not what is typically desired. Ideally, you transition low density single-family detached to medium/high density residential product such as townhomes, to commercial/office development. If this application is approved, the zoning from east to west would be R-85 (single family residential) to NL-2 (Office Park) to NL-4 (Vista Dale Court). Approving the rezoning request would create a pocket of NL-2 that would provide an applicant the opportunity to place a high intensity use between the proposed townhomes and the Winding Woods neighborhood. The NL-2 would ideally be on the 2247 Northlake parcel to provide a transition between higher intensity NL-2 and R-85 zoning.

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

The subject property does have a reasonable economic use as currently zoned. The existing office building located in the NL-2 zoning allows for several uses to be conducted there as noted in Table 3.9. Additionally, several types of structures could be built here within by-right developments, including a multi-family development 24 units per acre or less. The dimensional requirements of the NL-2 zoning district are much greater than the NL-4 district. For example, NL-2 allows for a 9-story structure, while the NL-4 zoning district only allows 3 stories.

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

Rezoning the subject parcel to NL-4 may affect the existing use or usability of nearby properties. If the proposed development is approved, the remaining office building to the east could only be accessed through the new development. Although the ownership of both parcels is the same at present, rezoning the subject parcels to NL-4 could impact future development on the eastern parcel or it could impact future tenants of the remaining structure.

**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.**

There are no known existing or changing conditions that affect the use and development of the parcels that are a part of this rezoning application. Staff would like to note that although the



applicant cited a decrease in demand of office space due to COVID-19, there are other uses that are permitted by-right on the subject parcels.

**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 development will be accessed at an existing traffic light. It is expected to generate 20 students: 5 at Midvale Elementary, 3 at Tucker Middle, 6 at Tucker High, 4 at other DCSD schools, and 2 at private schools. DCSD stated that “although enrollment at Tucker HS and MS is already over capacity, the development is expected to have minimal impact.” DWM has stated that the applicant has already addressed sewer capacity.

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

The proposed zoning request will not adversely impact the environment or surrounding natural resources.

**CONCLUSION**

The proposed development meets the intent of the comprehensive plan in terms of primary land use (townhomes) and the proposed 80 units are compatible with surrounding land uses as they are currently. However, the NL-4 zoning district was created for a very specific part of the city which presents compatibility issues with the request. It also does not comply with transitional zoning principles. Staff will note that the requested rezoning creates a lower density development than would be provided by a traditional multifamily development and it offers a unique housing type to the city.

Therefore, Staff recommends **DENIAL** of the requested rezoning.

## Concurrent Variance (CV-21-0001)

A concurrent variance has been requested to Table 3.10, *Northlake District Dimensional Requirements*, in order to change the lot coverage requirement for the proposed townhome development. This section allows a maximum of 50% lot coverage in the NL-4 zoning designation. The applicant is proposing 52% lot coverage within the new development.

On Table 3.10, there are lot coverage requirements for each type of development in each zoning district. NL-4 allows 50% lot coverage on the overall site and 80% lot coverage on each individual lot. Because the applicant is planning to lease these units instead of sell them, there will be no individual lots and only the overall lot coverage requirements must be met.

Staff would like to note that although the applicant is requesting 52% lot coverage as shown on the proposed site plan, a mail kiosk and parking spaces are not shown on the sign plan and the design of the amenity areas are not shown. The addition of these may change not only the site plan, but the concurrent variance request.

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 combined 7.29 parcel is not exceptionally narrow or shallow, and there is no exceptional topography on the lot. The southeast portion of the lot that juts to the east, however, does present a unique shape that may impact the applicant's ability to meet the 50% lot coverage requirements.

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

The requested variance does not go beyond the minimum necessary to afford relief, however the variance may grant the applicant a special privilege. Because the only access to the remaining office building is off of Northlake Parkway, the applicant needed to work around those entrances on the site plan. If that access wasn't necessary, the applicant may have been able to come up with a design to meet the code and not need a variance.

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

Granting the requested variance will not be materially detrimental to the public welfare, however the increase in lot coverage does not appear to be a way to provide residents of the townhomes with a



higher quality of life – such as a paved trail. It appears to increase circulation to avoid traffic for the remaining office building.

In the applicant's justification for the lot coverage variance, it is stated that if the subject parcel is combined with the rear parcel that will be accessed through the new development, there is substantial open space. Staff notes, however, that the rear parcel is not included in the lot coverage calculations and that no easements are shown for residents to utilize open space on the eastern parcel.

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

The literal interpretation and strict application of the applicable provisions or requirements of this chapter may cause undue and unnecessary hardship for the applicant as meeting the lot coverage would likely require a loss of one or more units.

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

The variance request and site plan are consistent with the intent of the comprehensive plan in that it provides connections from the proposed units to the sidewalk along Northlake Parkway using the internal sidewalk system and potential connections to the trail to the southwest of the subject parcel.

**Conclusion:** Staff recommends **DENIAL of CV-21-0001.**

## Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petitions **RZ-21-0001 and CV-21-0001**.

Should the governing bodies choose to approve the rezoning request, Staff recommends the request be approved subject to the following conditions:

1. Use of the subject property shall be limited to a 80-unit rental townhome development.
2. The property should be developed in general conformance with the site plan submitted on March 8, 2021 to the Planning and Zoning Department, with revisions to meet these conditions.
3. A landscape plan for the pocket parks shall be submitted for review and approval by the Planning and Zoning Director.
4. The maximum lot coverage on the overall site shall be increased to 52% (CV-21-0001)
5. The minimum lease term shall not be shorter than 6 months.
6. An on-site leasing office with property maintenance staff shall be provided to serve as a contact point for residents and local authorities.
7. A mail kiosk and two parking spaces shall be provided on site.
8. The 23 surface parking spaces at the southeast corner shall be reserved for guest parking for the townhome development.
9. Each unit shall provide a two-car garage.
10. Architectural detailing on townhouses shall meet Article 3 and Article 5 (when applicable) of the Zoning Ordinance.
11. Each townhome shall have a defined walkway and/or porch/stoop from the sidewalk to the front doors.
12. No units shall encroach into any storm drain or sanitary sewer easements.
13. Driveways shall be a minimum of twenty feet (20') from the alley back of curb to the face of structure to accommodate the off-street parking of vehicles.
14. The private alley shall be constructed per the City of Tucker Development Regulation, including width, pavement design, and curb & gutter.
15. The private alleys shall be signed and striped as a No Parking zone.

16. The detention pond shall be located on a separate lot of record.
17. The development of the property is contingent on approval from DeKalb County Department of Watershed Management.
18. The develop shall be limited to two (2) full access driveways on Northlake Parkway. The southern driveway shall align with the existing traffic signal at Northlake Parkway / Northlake Center Drive. Curb cut locations are subject the sight distance requirements and the approval of the City Engineer.
19. Owner/Developer shall maintain efficient operation of the existing traffic signal as required by the City Engineer, at no cost to the City of Tucker.
20. Owner/Developer shall construct a ten foot (10') wide concrete trail and 5' landscape strip along the entire frontage of Northlake Parkway / Northlake Center Drive.
21. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way as required to have a minimum of two feet (2') from the back of the future trail.
22. Owner/Developer shall install a bus shelter at the existing bus pad on Northlake Parkway. Said shelter shall comply with MARTA specifications.
23. Internal dead-end streets greater than one hundred-fifty feet (150') must provide a cul de sac or turnaround, subject to the approval of the City Engineer and DeKalb County Fire Department.
24. Owner/Developer shall install a five foot (5') wide sidewalk along one side of all internal streets.
25. Owner/Developer shall provide detention, water quality, runoff reduction, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100-year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.
26. 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 fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.
27. The \$8,500 that was placed into the tree bank prior to making application shall be remitted back to the applicant to use for new tree plantings on the subject site.

## PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its April 15, 2021 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of **RZ-21-0001** and **CV-21-0001** subject to the following amended staff condition: (additions = **bold**; deletions = ~~striketrough~~).

1. Use of the subject property shall be limited to a 80-unit rental townhome development.
2. The property should be developed in general conformance with the site plan submitted on March 8, 2021 to the Planning and Zoning Department, with revisions to meet these conditions.
3. A landscape plan for the pocket parks shall be submitted for review and approval by the Planning and Zoning Director.
4. The maximum lot coverage on the overall site shall be increased to 52% (CV-21-0001)
5. The minimum lease term shall not be shorter than 6 months.
6. An on-site leasing office with property maintenance staff shall be provided to serve as a contact point for residents and local authorities.
7. A mail kiosk and two parking spaces shall be provided on site.
8. The 23 surface parking spaces at the southeast corner shall be reserved for guest parking for the townhome development.
9. Each unit shall provide a two-car garage.
10. Architectural detailing on townhouses shall meet Article 3 and Article 5 (when applicable) of the Zoning Ordinance.
11. Each townhome shall have a defined walkway and/or porch/stoop from the sidewalk to the front doors.
12. No units shall encroach into any storm drain or sanitary sewer easements.
13. Driveways shall be a minimum of twenty feet (20') from the alley back of curb to the face of structure to accommodate the off-street parking of vehicles.
14. The private alley shall be constructed per the City of Tucker Development Regulation, including width, pavement design, and curb & gutter.
15. The private alleys shall be signed and striped as a No Parking zone.
16. The detention pond shall be located on a separate lot of record.

17. The development of the property is contingent on approval from DeKalb County Department of Watershed Management.
18. The develop shall be limited to two (2) full access driveways on Northlake Parkway. The southern driveway shall align with the existing traffic signal at Northlake Parkway / Northlake Center Drive. Curb cut locations are subject the sight distance requirements and the approval of the City Engineer.
19. Owner/Developer shall maintain efficient operation of the existing traffic signal as required by the City Engineer, at no cost to the City of Tucker.
20. Owner/Developer shall construct a ten foot (10') wide concrete trail and 5' landscape strip along the entire frontage of Northlake Parkway / Northlake Center Drive.
21. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way as required to have a minimum of two feet (2') from the back of the future trail.
22. Owner/Developer shall install a bus shelter at the existing bus pad on Northlake Parkway. Said shelter shall comply with MARTA specifications.
23. Internal dead-end streets greater than one hundred-fifty feet (150') must provide a cul de sac or turnaround, subject to the approval of the City Engineer and DeKalb County Fire Department.
24. Owner/Developer shall install a five foot (5') wide sidewalk along one side of all internal streets.
25. Owner/Developer shall provide **stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance**. ~~detention, water quality, runoff reduction, and channel protection in accordance with the Georgia Stormwater Manual. Detention shall be provided for the 1 thru 100 year storm events with no increased runoff. For the purpose of these calculations, the existing runoff rate shall be considered to be a wooded, predeveloped condition.~~
26. 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 fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree replacement units as required in the ordinance.
27. The \$8,500 that was placed into the tree bank prior to making application shall be remitted back to the applicant to use for new tree plantings on the subject site.

## Department Comments

### ARBORIST

Prior to making application the property owner pulled a permit to remove trees and replant. The new trees were never replanted, and the site was in violation. In order to resolve the violation to proceed with the rezoning application, the applicant submitted \$8,500 into the city tree bank.

### DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

Applicant has addressed sewer capacity.

### DEKALB COUNTY FIRE MARSHAL OFFICE

1. As long as fire hydrants distributed according to 2018 IFC requirements and also all fire lanes unobstructed and loading areas not interfere with fire apparatus turns and access.
2. All fire truck turn arounds shall be in compliance with 2018 IFC section D.
3. The 2018 IFC does require fire lanes serving buildings to be a minimum of 20 feet wide and 26 feet wide if serving structures 30 feet high or higher.

### DEKALB COUNTY SCHOOL SYSTEM

When fully constructed, this development would be expected to generate 19 students: 5 at Midvale Elementary School, 3 at Tucker Middle School, 5 at Tucker High School, 4 at other DCSD schools, and 2 at private schools. Although enrollment at Tucker HS and Tucker MS is already over capacity, the development is expected to have minimal impact.

### LAND DEVELOPMENT

- Currently property is currently zoned NL-2. The applicant is requesting a rezoning to NL-4 to construct the following improvements:
  - Total property size – 7.29 acres
  - 80 townhomes
  - site density – 10.97 units/acre

### Comments:

1. A Traffic Impact Study is not required for this application per Section 5.3.4 of the City of Tucker code of Ordinances. However, a trip generation letter is required and has not been submitted.
2. Sec. 22-278 of the City of Tucker Code of Ordinances requires that cul-de-sac be installed at the end of a dead-end street.
3. The City of Tucker Trail Master Plan calls for a ten foot (10') wide trail along the east side of Northlake Parkway.
4. There is an existing MARTA bus stop on Northlake Parkway just south of the intersection with Northlake Center Drive.