



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

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

**Planning Commission:** February 17, 2022

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

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

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

**PROJECT DATA**

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

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

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

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

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

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

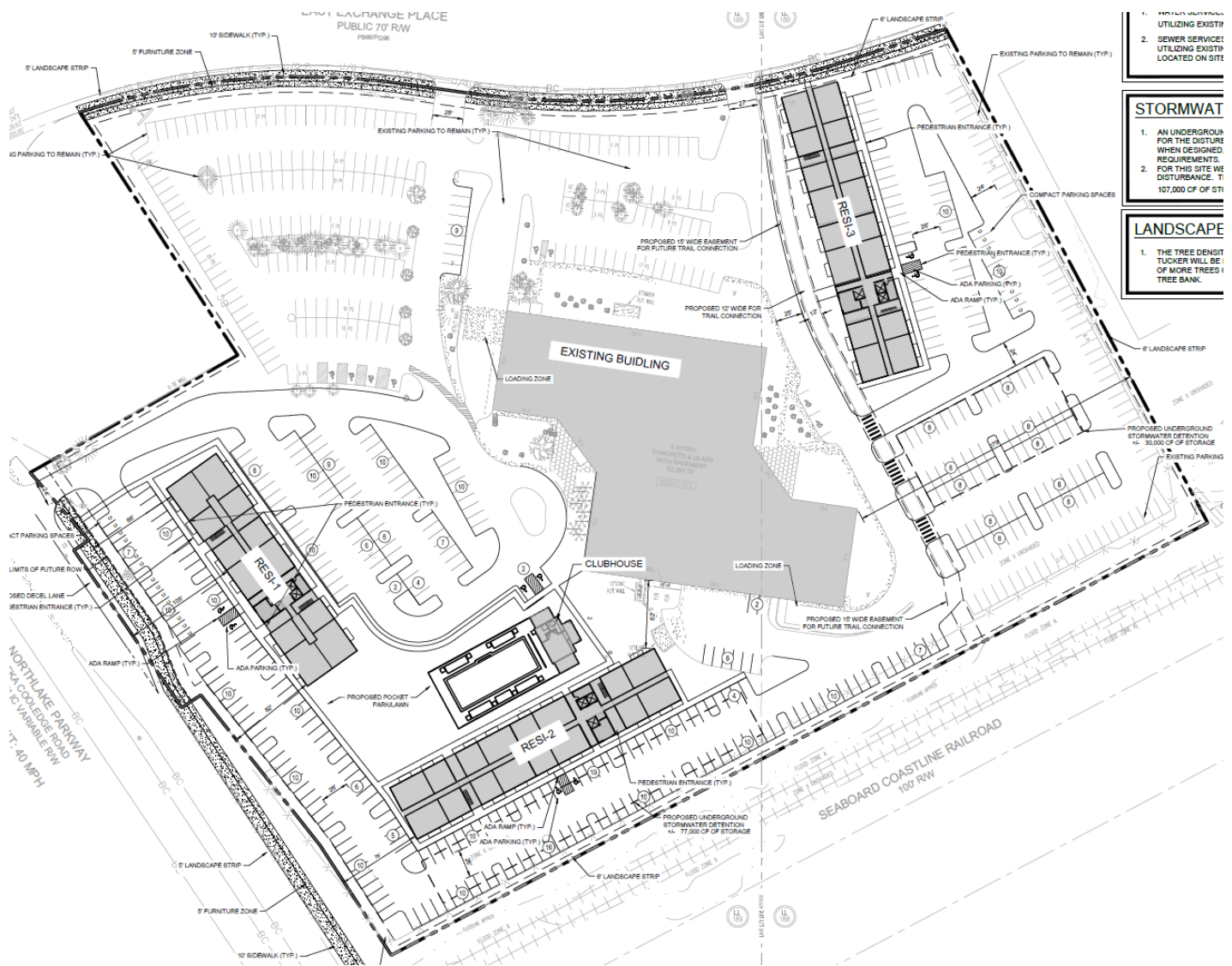
The applicant is proposing approximately 694 surface level parking spaces, which will consist of 651 standard, 10 compact, and 33 handicapped spaces dispersed throughout the site. It should be noted that a parking variance (V-19-0003) and a Land Disturbance Permit (PLD20-0006) were previously granted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

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

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

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

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



## **USE ANALYSIS AND DEVELOPMENT PERMISSIONS**

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

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

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

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

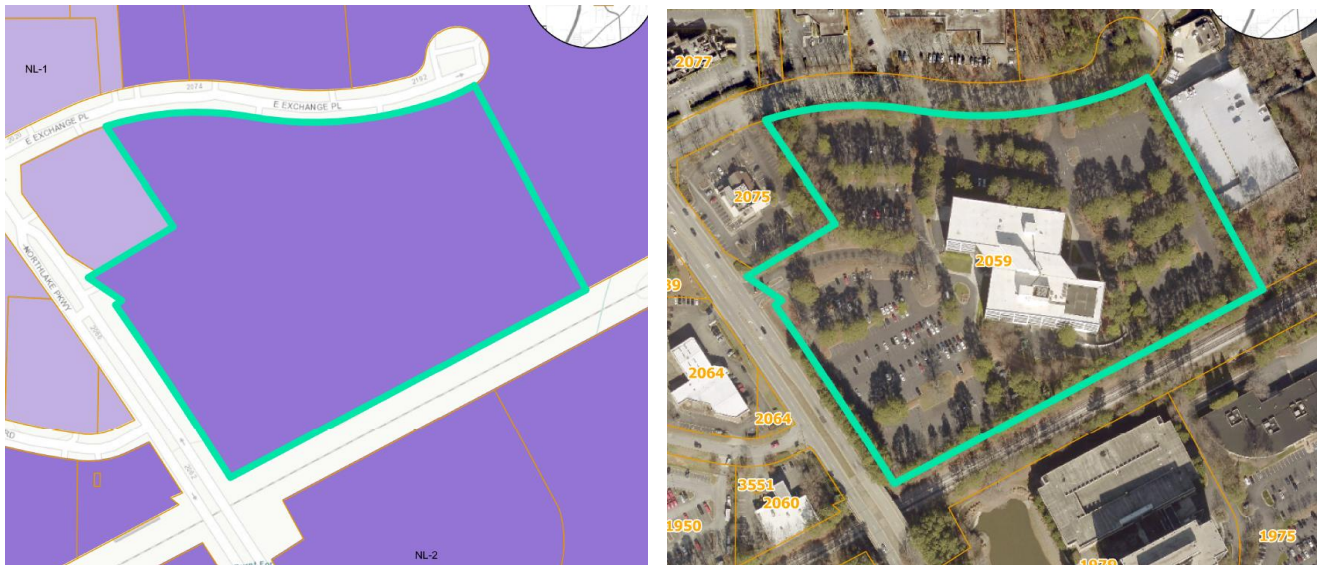
### **PUBLIC PARTICIPATION PLAN REPORT**

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

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

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

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



*Zoning and Aerial Exhibits showing surrounding land uses.*

## SLUP-22-0001 DENSITY

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

The traffic study shows that the proposed project is estimated to generate a net of 3,390 total daily trips, which includes 246 AM peak hour trips and 271 PM peak hour trips.

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

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

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

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

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

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

The proposed development will not generate excessive noise, nor will it emit smoke, odor, dust or vibration. Therefore, no adverse impacts on adjoining land uses are anticipated.

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

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

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

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

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

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



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

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

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

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

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

Not applicable.

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

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

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

No limits on the length of time on the special land use permit are recommended, if granted.

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

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

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

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

There are no known historic buildings, sites, districts or archaeological resources on the subject properties. Therefore, no adverse effects are anticipated (meets standard).

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

Not applicable.

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

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

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

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

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

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

## **CONCLUSION**

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

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

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

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

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

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

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

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

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

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

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

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

The requested variance does not go beyond the minimum necessary to afford relief, however the variance may grant the applicant a special privilege. While the property has some grade change, it isn't a significant enough change to limit the applicant from being able to locate the residential buildings closer to the street and tuck the parking behind the apartment buildings.

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

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

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

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause undue and unnecessary hardship for the applicant as the property is already developed and graded. The apartment buildings and parking along Northlake Parkway could be flipped with minimal effort, causing the apartments to sit closer to Northlake Parkway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**CRITERIA TO BE APPLIED – CONCURRENT VARIANCE**

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

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

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

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

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

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

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



The literal interpretation and strict application of the applicable provisions or requirements of this chapter may cause undue and unnecessary hardship for the applicant as meeting the 300' block length requirement would require significant reconfiguration of the property.

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

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

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

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

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

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

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

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

**CRITERIA TO BE APPLIED – CONCURRENT VARIANCE**

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

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

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

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

The requested variance does not go beyond the minimum necessary to afford relief, nor would the variance grant the applicant a special privilege. The subject property already has three access points from two different roads and the inter-parcel access may be more of a detriment to the neighboring property, Hudson Grille, than it would be a benefit. Additionally, the property is surrounded by two roads and a railroad track, creating a limited amount of space in which vehicular inter-parcel access could occur. Staff does believe the applicant could incorporate a pedestrian connection to Hudson Grille.

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

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

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

The literal interpretation and strict application of the applicable provisions or requirements of this chapter may cause undue and unnecessary hardship for the applicant as providing vehicular access to adjacent sites may be difficult due to the grade change and the subject property sitting at a lower elevation than its neighbors. However, providing pedestrian access to the Hudson Grille parcel to the west may be feasible.

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

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

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

## Staff Recommendation

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

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

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

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

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

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

## PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its February 17, 2022 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of **RZ-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, and CV-22-0004** subject to the following amended staff conditions: (additions = **bold**; deletions = ~~strikethrough~~).

1. The property shall be developed in general conformance with the site plan received by the City of Tucker Planning and Zoning Department on January 14, 2022, with changes to meet these conditions and other requirements of the code.
2. The use of the development shall be limited to office, **retail/restaurant**, co-working space, and multifamily residential, which shall consist of a maximum of 368 multi-family units in three residential buildings and a maximum of 129 residential units in the existing office building.
3. ~~The 129 residential units in the existing office building shall be limited to one- and two-bedroom units with dedicated workspace within each unit.~~
4. The two apartment buildings closest to Northlake Parkway shall be limited to a maximum height of 8 stories or 83' and the third apartment building, closest to East Exchange Place shall be limited to 9 stories or 89'.
5. Building elevations shall be constructed in general conformance with the architectural designs received by the City of Tucker Planning and Zoning Department on January 18, 2022.
6. ~~Additional parking shall be provided, as well as~~ **A minimum of 694 spaces shall be provided, but planning commission recommends that the applicant attempt to provide more spaces before the first read.** Additional parking lot landscaping that complies with the regulations of the Zoning Ordinance.
7. All ground floor units fronting Northlake Parkway shall have a patio with direct access to an internal sidewalk.
8. All ground floor units abutting the common amenity space shall have a patio with direct access to the amenity space.
9. All signage shall comply with the Sign Ordinance.
10. Utilities shall be located underground.
11. The minimum lease term shall not be shorter than 6 months.

12. An on-site leasing office with property maintenance staff shall be provided to serve as a contact point for residents and local authorities.
13. All businesses operating at this location, including the office spaces and residential units, shall comply with the City of Tucker requirements for Occupational Tax Certificates.
14. **A minimum of** 15% of the units shall qualify as workforce housing units, defined as housing that is affordable to households earning between 80 and 140 percent of area median income (AMI). AMI shall be defined as the area median income for the area within a 3-mile radius of the subject property at the time of Certificate of Occupancy issuance.
15. ~~Owner/Developer shall allow for future interparcel access to the adjacent properties to the east and west. Wheel stops may be temporarily put in drive aisle radius to allow parking until the adjacent properties are redeveloped.~~ Owner/Developer shall grant a construction easement to adjacent property owner when the future interparcel access to the east and/or west is constructed.
16. Owner/Developer shall construct a ten foot (10') wide concrete trail and a five foot (5') landscape strip along the entire frontage of Northlake and East Exchange Place. An additional five foot (5') wide street furniture zone shall be provided along Northlake Parkway.
17. Owner/Developer shall construct a ten foot (10') wide concrete trail through the center of the development and shall provide the city with a permanent easement for the trail. The easement shall be dedicated at no cost to the City by time of LDP issuance.
18. Owner/Developer shall construct ADA compliant internal sidewalks and crosswalks that will provide pedestrian connectivity from all apartment buildings to the sidewalk along Northlake Parkway and East Exchange Place. A pedestrian Circulation plan shall be subject to review and approval of the Planning and Zoning Director.
19. A maximum of twenty percent (20%) of parking spaces may be compact spaces. A compact space shall be defined as any space narrower than nine feet (9') in width. Compact spaces shall be identified with appropriate signage.
20. The Development shall be limited to a maximum of one (1) right in / right out only curb cut on Northlake Parkway and two (2) full access curb cuts on East Exchange Place.
21. Owner/Developer shall construct a deceleration lane at the site entrance on Northlake Parkway.
22. Owner/Developer shall dedicate at no cost to the City of Tucker such additional right-of-way along the entire frontage of Northlake Parkway such that there is a minimum of seventy-five



feet (75') from centerline, twelve feet (12') from back of curb, or two feet (2') from back of sidewalk, whichever is greater.

## Department Comments

### DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

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

### DEKALB COUNTY FIRE MARSHAL OFFICE

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

### DEKALB COUNTY SCHOOL SYSTEM

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

### CITY ENGINEER

- The traffic study should be sealed/signed by a registered Professional Engineer.
- Project DK-160 is not supported by the City of Tucker and we have requested that ARC remove it from the TIP.

- Revise the trip distribution to show the driveway on Northlake Pkwy as a right in / right out only.
- The southbound approach of Northlake Pkwy @ Lawrenceville Hwy is currently operating at a Level of Service F. No recommendations were given to improve this movement. Please re-evaluate.

#### LAND DEVELOPMENT

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