



City of Tucker

Land Use Petition: RZ-22-0001

Date of Staff Recommendation Preparation: April 7, 2022

Planning Commission: April 21, 2022

Mayor and City Council, 1st Read: May 9, 2022

Mayor and City Council, 2nd Read: June 13, 2022

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|---|---|
| PROJECT LOCATION: | 3207, 3217, 3227, 3259 Lawrenceville Highway and 3563 Bishop Drive |
| APPLICATION NUMBER | RZ-22-0001 |
| DISTRICT/LANDLOT(S): | Land District 18, Land Lots 165 & 166 |
| ACREAGE: | 8.72 acres |
| EXISTING ZONING | R-75 (Residential Medium Lot - 75) |
| EXISTING LAND USE | Single-family homes |
| FUTURE LAND USE MAP DESIGNATION: | Suburban |
| OVERLAY DISTRICT: | N/A |
| APPLICANT: | Embry Development Company |
| OWNER: | St. Sophia, LLC., St. Jolie, LLC., Robert McDonald, Estate of M. Frances McDonald (Donald McDonald) |
| PROPOSED DEVELOPMENT: | Rezoning from R-75 to RSM to allow for the development of 52 townhomes. |
| STAFF RECOMMENDATION: | APPROVAL WITH CONDITIONS of RZ-22-0001 |

PROJECT DATA

The applicant is requesting to rezone five parcels from R-75 (Residential Medium Lot – 75) to RSM (Small Lot Residential Mix) in order to construct a 52-unit single-family attached (townhome) development on approximately 8.7 acres, which will yield a density of 5.9 units per acre. Twenty (20) rear-loaded units are shown fronting Lawrenceville Highway and the remaining thirty-two (32) units are front-loaded and spread throughout the site. The townhome blocks range from five units to eight units.

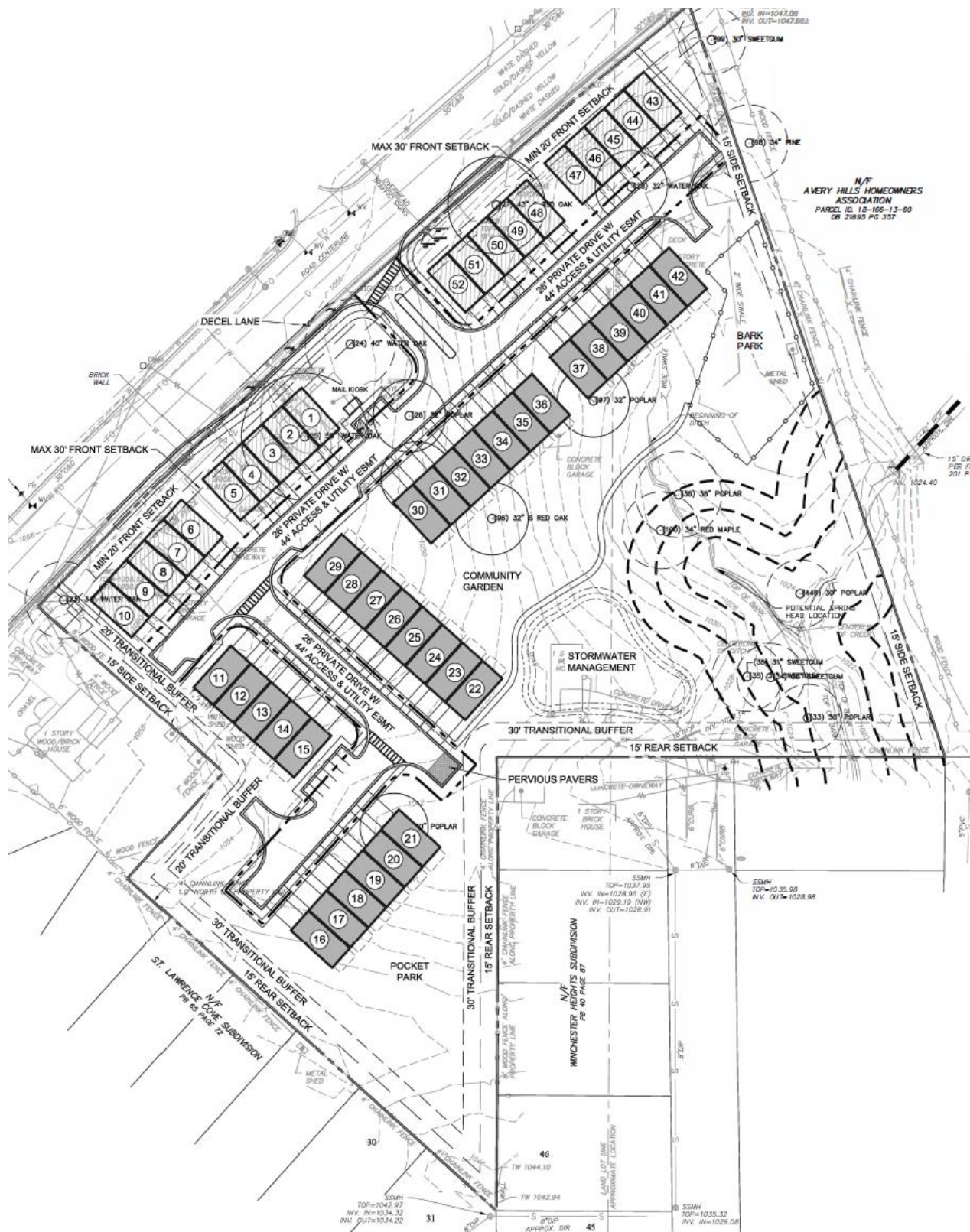
The subject property is located on the south side of Lawrenceville Highway and contains single-family homes and a former real estate office, most of which are set close to Lawrenceville Highway. The remaining land is heavily wooded with a stream and its buffers located in the southeastern corner of the property. The assemblage of these five parcels would result in an oddly shaped property.

The maximum height allowed within the RSM zoning district is 45' or 3 stories, whichever is less. While exact heights of the proposed townhomes were not submitted with the application, the applicant has stated the townhomes will comply with the City's requirements. From submitted elevations, the proposed townhomes appear to be 3 stories and will be constructed of a mixture of brick, board and batten, and shake, in a neutral palate.

Access is shown via one full-access drive from Lawrenceville Highway, that would line up with Terri Lynn Court when constructed. There are 13 guest parking spaces throughout the site, with three adjacent to the proposed mail kiosk. DeKalb Fire will require the townhome units to be sprinkled since only one vehicle access point is provided.

The site plan also shows a transitional buffer along the eastern, western, and southern sides of the development. Transitional buffers in residential neighborhoods are intended to diminish the potential negative impacts of higher intensity residential development on adjacent single-family residential land uses. The applicant has proposed a 30' transitional buffer along the southern and a majority of the western property lines, which exceeds the City's 20' transitional buffer requirement for the RSM zoning district.

While only 20% of the site is required to be reserved for open space, the submitted site plan shows several open space areas, totaling 4.5 acres (52% of the site), including a pocket park, in the southern portion of the property, adjacent to the St. Lawrence Cove subdivision and residential dwellings along Bishop Drive; a community garden, central to the development; and a bark park, along the eastern property line, north of the stream on the property. The submitted site plan shows full compliance with the dimensional requirements of the RSM zoning district.



PREVIOUS ZONING CASE BACKGROUND

RZ-17-0005 (Lawrenceville South): The Ardent Companies submitted a rezoning application in October of 2017 to rezone 3193, 3207, 3217, 3227, 3259 Lawrenceville Highway and 3563 Bishop Drive (approximately 9.36 acres) from R-75 (Residential Medium Lot – 75) to RSM (Small Lot Residential Mix) for the development of a 64-unit townhome development at a density of approximately 6.83 units per acre.

In 2017, the maximum allowable density in the RSM zoning district was four units per acre. However, this density could be increased to up to eight units per acre with the use of density bonuses. Ardent proposed the following density bonuses in order to reach 6.83 units per acre: a bus shelter at the front of the property, on-site public art, and enhanced open space. This application was also submitted before the adoption of the Tucker Tomorrow Comprehensive Plan. The Comprehensive Plan at the time RZ-17-005 was submitted allowed up to eight units per acre in the Suburban Character area.

In February of 2018, RZ-17-005 was amended to reduce the number of townhomes in the proposed development from 64 units to 56 units, reducing the density from 6.83 dwelling units per acre to 5.98 dwelling units per acre. On April 4, 2018, the site plan was changed to include a mix of 25 townhomes and 23 urban single-family detached homes for a total of 48 units at 5.12 units per acre. The final site plan was submitted on April 9, 2018, which included 25 townhomes and 20 urban single-family detached homes for a total of 45 units at 4.81 units per acre.

Planning Commission recommended denial of the application on December 28, 2017 with a 4-1 vote. City Council voted 5-2 to deny the application on April 23, 2018.

RZ-17-004 (Lawrenceville North): Ardent submitted a second application in October of 2017 to rezone 3254, 3298, 3304, 3320 Lawrenceville Highway and 4448, 4530 Henderson Drive from R-75 (Residential Medium Lot – 75) to RSM (Small Lot Residential Mix) for the development of a 37-unit urban single family detached development at 5.13 units per acre. This request was also amended in February of 2018 to reduce the proposed development from 37 units to 24 units, reducing the density to 3.32 units per acre. Density bonuses were initially proposed for this rezoning as well, but were no longer needed when the density dropped below 4 units per acre.

Planning Commission recommended denial of the application on December 28, 2017 with a 4-1 vote. City Council voted 6-1 to approve RZ-17-004 with 23 conditions on March 26, 2018. While entitled, the properties have not been redeveloped.

Staff will note that the density bonus system and the urban single family detached housing type were removed from the zoning ordinance on April 8, 2018 per O2018-03-7.

CHARACTER AREA (Future Land Use)

The subject parcels are located within the Suburban Character Area on the Future Land Use Map. Development strategies of the Suburban designation include ensuring that the expansion or improvement of single-family homes are compatible with the existing housing stock, preserving the character of single family neighborhoods by preventing encroachment of higher density residential development within existing neighborhoods, and managing land use transitions along the periphery of

residential neighborhoods to ensure that new development does not diminish the character of existing neighborhoods.

Design considerations for the Suburban Character Area include more traditional development patterns with up to four units per acre in the majority of places. However, along major corridors, in areas of commercial development, or with the redevelopment of existing multifamily developments, up to six units per acre may be allowed. Higher density developments should incorporate suburban-aesthetic of increased greenspace and transitions should be incorporated from more intense densities and uses to existing residential uses. The design considerations for the Suburban Character Area also note incorporating design features, such as greater setbacks/buffers, to mitigate impacts on adjacent residential properties, and to manage massing, by taking into consideration the smaller footprints and total square footage of existing housing stock.

PUBLIC PARTICIPATION PLAN REPORT

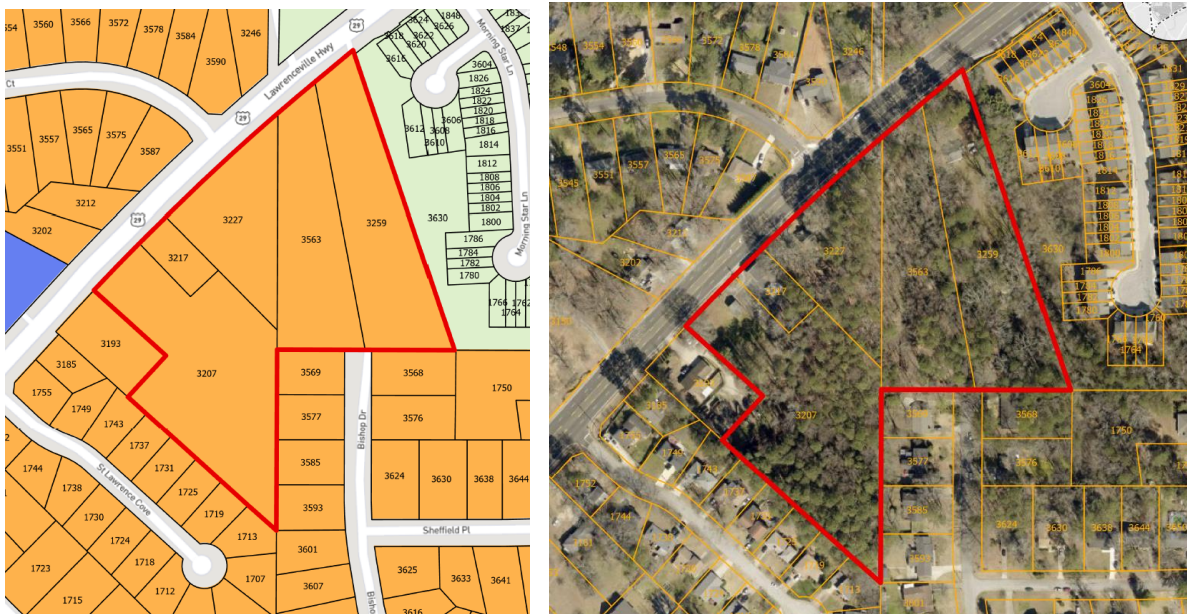
The applicant hosted a public participation meeting on February 3, 2022. The meeting was held at the Lawrenceville Road Methodist Church, located at 3142 Lawrenceville Highway, south of the subject property and lasted approximately two hours. In addition to meeting in person, a zoom streaming was made available by a member of the public. 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. 53 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. Several concerns were raised regarding the location of the proposed detention pond, traffic along Cooledge Road, and height limitations on townhomes. As a result of the Public Participation Meeting, several changes to the site plan were made including:

- locating the townhomes closer to Lawrenceville Highway to provide more of a buffer between the proposed development and existing single-family detached homes along Bishop Drive
- moving the buildings that are adjacent to St. Lawrence Cove closer to Lawrenceville Highway
- increasing the required buffers by 50% (from 20' to 30')

NEARBY/SURROUNDING LAND ANALYSIS

| Adjacent & Surrounding Properties | Zoning | Existing Land Use |
|--|------------------------------------|--|
| Adjacent: North (across Lawrenceville Highway) | R-75 (Residential Medium Lot – 75) | Single-family homes on Terri Lynn Court |
| Adjacent: Northeast (across Lawrenceville Highway) | RSM (Small Lot Residential Mix) | Single-family homes; entitled per RZ-17-004 |
| Adjacent: East | RSM (Small Lot Residential Mix) | Townhome development – Avery Hills |
| Adjacent: West | R-75 (Residential Medium Lot – 75) | Single-family detached homes along Saint Lawrence Cove |
| Adjacent: South | R-75 (Residential Medium Lot – 75) | Single-family detached homes along Bishop Drive |



Zoning and Aerial Exhibits showing surrounding land uses.

RZ-22-0001

CRITERIA TO BE APPLIED

Criteria (standards and factors) for rezoning decisions are provided in 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 fronts a 5-lane state highway and is not within an existing neighborhood. It is located adjacent to another RSM townhome development (Avery Hills), which has a density of 7.9 units per acre. Adjacent to Avery Hills is a Quick Trip gas station. This location makes the development eligible for up to 6 units per acre of density.

Goal 3 of the comprehensive plan calls for new development, in close proximity to neighborhoods, to provide adequate transition through setbacks, buffering and other measures. The proposed plan provides transitional buffers along the west and south property lines as well as increased greenspace that helps transition with the part of the adjacent neighborhood to the south.

The applicant could do more with regards to the goal of managing massing, by taking into consideration the smaller footprints and total square footage of existing housing stock. This could be achieved with a mix of product types, specifically within the southwest corner of the development where it abuts both St. Lawrence Cove and Bishop Drive residences.

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 to RSM could permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is located approximately 1,200 from the intersection of Northlake Parkway/Cooledge Road and Lawrenceville Highway. While the surrounding neighborhoods are zoned R-75, the eastern edge of the property is adjacent to an existing single-family attached (townhome) development zoned RSM. The proposed open space in the southern portion of the property creates a natural buffer between the existing single-family detached homes and proposed townhomes.

Avery Hills, the existing townhome development located to the east of the proposed project is developed at approximately 7.9 units per acre. To the west, the 19 single-family detached homes, located along Saint Lawrence Cove, on the western edge of the proposed development are developed at approximately 3.2 units per acre. The applicant has proposed a transitional density, at 5.9 units per acre, between the higher density development of Avery Hills and the moderate density of the existing homes within Saint Lawrence Cove. Staff will note that while the previous application for these parcels (RZ-17-005) initially requested 6.83 units per acre, the final site plan/request showed 4.81 units per acre, which would provide a softer transition from the 5.9 units per acre that is proposed with RZ-22-0001. A reconfiguration of the southwest corner of the site would provide a more suitable development in both total density and transition.

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

The subject properties have a reasonable economic use as currently zoned for residential uses.

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 RSM should not adversely affect the existing use or usability of adjacent or nearby properties. The existing townhomes to the east are developed at a density of approximately 7.9 units per acre and the single-family detached homes to the west are developed at a density of approximately 3.2 units per acre. With a proposed density of 5.9 units per acre this development, with single-family attached units, would be an appropriate transition between the lower density to the west and higher density to the east, as you move north along Lawrenceville Highway, towards the commercial node at the intersection of Lawrenceville Highway and Cooledge Road. No connections are proposed within existing neighborhoods that could adversely affect them.

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 five parcels that are a part of this rezoning application.

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 proposed rezoning will not cause an excessive and burdensome use of existing streets, transportation facilities, and utilities. The proposed development did not trigger the requirement for any kind of traffic impact study as 52 new homes will not create a major impact on the existing 5-lane state highway. However, the applicant provided a proposed traffic count within their letter of intent based on the ITE Trip Generation Manual. The information submitted states the proposed 52 townhomes would create approximately 302 weekday trips, with 22 during the AM peak hour and 27 during the PM peak hour.

The report from DeKalb County Schools stated that this proposed development is expected to generate 13 students. 3 at Brockett Elementary, 2 at Tucker Middle, 4 at Tucker High, 3 at other DCSD schools, and 1 at private schools. DCSD stated that “although enrollment at Tucker MS is already over capacity, the development is expected to have minimal impact.”

If approved, a sewer action plan shall be submitted to DeKalb County before the proposed development could move forward.

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

The proposed zoning request will not adversely impact the environment and surrounding natural resources. The site plan shows townhomes located outside of the existing stream located on the property and its buffers.

CONCLUSION

The requested land use petition to rezone five parcels along Lawrenceville Highway from R-75 to RSM is consistent with the recommendations of the Comprehensive Plan and would be compatible with the surrounding residential neighborhoods at the proposed density of 5.9 units per acre. As currently proposed, the development would not pose significant adverse impacts to the environment or adjacent or nearby properties. However, there are ways to further reduce the density and provide better transition by reducing the unit count or reconfiguring the southwest corner of the site to include a mix of product types, such as single-family detached dwellings.

Therefore, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-22-0001**.

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-22-0001**.

1. Use of the subject property shall be limited to up to a 52-unit townhome development.
2. The property shall be developed in general conformance with the site plan submitted on March 28, 2022 to the Planning and Zoning Department, with revisions to meet these conditions.
3. The twenty units along Lawrenceville Highway shall be rear-loaded and designed so that their front façade/entry faces Lawrenceville Highway.
4. Dwellings shall have a minimum heated floor area of 1,500-square feet.
5. Each unit shall provide a minimum two-car garage.
6. The subject property shall have a mandatory homeowner's association, created by the Developer, that will require, among other things, maintenance of the common open space areas, the transitional buffer(s), stream and stream buffers, and stormwater management.
7. A mail kiosk and two parking spaces shall be provided on site.
8. Architectural detailing on townhouses shall include:
 - a. The front and rear elevations shall vary from unit to unit to avoid a monotone style and/or color palette.
 - b. Rear and side windows shall be trimmed similar to the front windows.
 - c. If units contain cantilevered balconies on the rear, they shall be painted or stained in a color that is complimentary to the individual unit colors and shall not be left as unfinished wood nor stained to appear as natural wood.
 - d. The units shall have an 8" or greater frieze board (top of wall, abutting the soffit) to accentuate the trim details.
 - e. Windows shall be a color to match the color palette of the surrounding townhome veneer (for example: not white windows in a brown colored unit).
 - f. Architectural detailing shall occur consistently on all facades.
 - g. The rear elevation of each set of townhome units shall have at least two distinguishing features which shall include, but are not limited to, enclosed sunrooms, enclosed porches, rear entry door overhangs with decorative brackets, metal decorative railings, and brick privacy walls.
9. The side elevations of units 1, 5, 6, 10, 43, 47, 48, and 52 shall be clad in the primary building material of the front façades and designed with windows and other architectural features in order to provide a consistent design appearance along Lawrenceville Highway.

10. Each townhome shall have a defined walkway and/or porch/stoop from the sidewalk to the front doors.
11. All healthy specimen trees located in the common area/open space shall be preserved.
12. All invasive shrubs and vines shall be removed.
13. At least 25% of the units shall be stubbed for elevators.
14. The declarant's declaration of covenants, conditions, and restrictions shall include a clause to restrict the number of rental units to a maximum of 25%.
15. No units shall encroach into any storm drain or sanitary sewer easements.
16. No units shall encroach into the stream buffers located on the property.
17. The detention pond shall be located on a separate lot of record.
18. The development shall be limited to a single full-access curb cut on Lawrenceville Highway. The location of said curb cut should align with Terri Lynn Court, is dependent on sight distance, and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.
19. Owner/Developer shall construct a deceleration lane on Lawrenceville Highway into the proposed entrance. Said deceleration shall be one hundred-fifty feet (150') in length with a fifty foot (50') taper.
20. Owner/Developer shall install a six foot (6') wide sidewalk along the entire frontage of Lawrenceville Highway.
21. Owner/Developer shall install a five foot (5') wide sidewalk along both sides of the proposed private streets.
22. A minimum of twenty feet (20') is required as from the back of the sidewalk on interior streets to the face of structure to allow for the parking of a vehicle in the driveway.
23. Owner/Developer shall dedicate along the entire frontage of Lawrenceville Highway such additional right-of-way to provide fifty feet (50') from the centerline or sixteen feet (16') from the back of curb, whichever is greater.
24. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.
25. Owner/Developer shall work with MARTA to relocate the existing bus stop on Lawrenceville Highway at the project entrance and install a bus shelter per MARTA specifications.

26. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree recompense units as required in the ordinance.
27. The development of the property is contingent upon approval from DeKalb County Department of Watershed Management.

PLANNING COMMISSION RECOMMENDATION

Based upon the findings and conclusions herein, at its April 21, 2022 public hearing, the Planning Commission recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **RZ-22-0001**, subject to the following staff conditions:

1. Use of the subject property shall be limited to up to a 52-unit townhome development.
2. The property shall be developed in general conformance with the site plan submitted on March 28, 2022 to the Planning and Zoning Department, with revisions to meet these conditions.
3. The twenty units along Lawrenceville Highway shall be rear-loaded and designed so that their front façade/entry faces Lawrenceville Highway.
4. Dwellings shall have a minimum heated floor area of 1,500-square feet.
5. Each unit shall provide a minimum two-car garage.
6. The subject property shall have a mandatory homeowner's association, created by the Developer, that will require, among other things, maintenance of the common open space areas, the transitional buffer(s), stream and stream buffers, and stormwater management.
7. A mail kiosk and two parking spaces shall be provided on site.
8. Architectural detailing on townhouses shall include:
 - a. The front and rear elevations shall vary from unit to unit to avoid a monotone style and/or color palette.
 - b. Rear and side windows shall be trimmed similar to the front windows.
 - c. If units contain cantilevered balconies on the rear, they shall be painted or stained in a color that is complimentary to the individual unit colors and shall not be left as unfinished wood nor stained to appear as natural wood.
 - d. The units shall have an 8" or greater frieze board (top of wall, abutting the soffit) to accentuate the trim details.
 - e. Windows shall be a color to match the color palette of the surrounding townhome veneer (for example: not white windows in a brown colored unit).

- f. Architectural detailing shall occur consistently on all facades.
 - g. The rear elevation of each set of townhome units shall have at least two distinguishing features which shall include, but are not limited to, enclosed sunrooms, enclosed porches, rear entry door overhangs with decorative brackets, metal decorative railings, and brick privacy walls.
9. The side elevations of units 1, 5, 6, 10, 43, 47, 48, and 52 shall be clad in the primary building material of the front façades and designed with windows and other architectural features in order to provide a consistent design appearance along Lawrenceville Highway.
 10. Each townhome shall have a defined walkway and/or porch/stoop from the sidewalk to the front doors.
 11. All healthy specimen trees located in the common area/open space shall be preserved.
 12. All invasive shrubs and vines shall be removed.
 13. At least 25% of the units shall be stubbed for elevators.
 14. The declarant's declaration of covenants, conditions, and restrictions shall include a clause to restrict the number of rental units to a maximum of 25%.
 15. No units shall encroach into any storm drain or sanitary sewer easements.
 16. No units shall encroach into the stream buffers located on the property.
 17. The detention pond shall be located on a separate lot of record.
 18. The development shall be limited to a single full-access curb cut on Lawrenceville Highway. The location of said curb cut should align with Terri Lynn Court, is dependent on sight distance, and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.
 19. Owner/Developer shall construct a deceleration lane on Lawrenceville Highway into the proposed entrance. Said deceleration shall be one hundred-fifty feet (150') in length with a fifty foot (50') taper.
 20. Owner/Developer shall install a six foot (6') wide sidewalk along the entire frontage of Lawrenceville Highway.
 21. Owner/Developer shall install a five foot (5') wide sidewalk along both sides of the proposed private streets.
 22. A minimum of twenty feet (20') is required as from the back of the sidewalk on interior streets to the face of structure to allow for the parking of a vehicle in the driveway.

23. Owner/Developer shall dedicate along the entire frontage of Lawrenceville Highway such additional right-of-way to provide fifty feet (50') from the centerline or sixteen feet (16') from the back of curb, whichever is greater.
24. Owner/Developer shall provide stormwater management in compliance with Tucker's Post Construction Stormwater Management Ordinance.
25. Owner/Developer shall work with MARTA to relocate the existing bus stop on Lawrenceville Highway at the project entrance and install a bus shelter per MARTA specifications.
26. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree recompense units as required in the ordinance.
27. The development of the property is contingent upon approval from DeKalb County Department of Watershed Management.

Department Comments

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

- Sewer capacity approval is needed.

DEKALB COUNTY FIRE MARSHAL OFFICE

- Based on the proposed site plan, because there are more than 30 units on a single access road, there would need to be a second access point for fire apparatus access.
- Alternatively, each unit shall be equipped with an approved fire sprinkler system per International Fire Code Appendix D Section D107.

DEKALB COUNTY SCHOOL SYSTEM

When fully constructed, this development would be expected to generate 13 students: 3 at Brockett Elementary, 2 at Tucker Middle School, 4 at Tucker High School, 3 at other DCSD schools, and 1 at private schools. Although enrollment at Tucker MS is over capacity, the development is expected to have minimal impact.

CITY ENGINEER

1. The development shall be limited to a single full-access curb cut on Lawrenceville Highway. The location of said curb cut should align with Terri Lynn Court, is dependent on sight distance, and subject to the approval of the Tucker City Engineer and the Georgia Department of Transportation.

2. Owner/Developer shall construct a deceleration lane on Lawrenceville Highway into the proposed entrance. Said deceleration shall be one hundred-fifty feet (150') in length with a fifty foot (50') taper.
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9. Owner/Developer shall comply with Section 14-39 of the City of Tucker Code of Ordinances concerning tree protection and replacement. A minimum on-site tree density of fifteen (15) units/acre shall be required. Any specimen trees removed during the redevelopment shall require additional tree recompense units as required in the ordinance.
10. Water and sewer approval is required by the DeKalb County Department of Watershed Management.

LAND DEVELOPMENT

- LDP will be required, including landscape plans, tree density calculations, and a hydrology report.
- Detention will need to be vetted as it is unclear if the proposed underground detention will be tied to the existing system.
- Compliance with private roads meeting DeKalb Fire standards will be required.