

Planning and Zoning
 1975 Lakeside Parkway, Suite 350
 Tucker, GA 30084
 Phone: 678-597-9040
 Email: permits@tuckerga.gov
 Website: www.tuckerga.gov

Land Use Petition Application

Type of Application: Rezoning Comprehensive Plan Amendment Special Land Use Permit
 Concurrent Variance Modification

APPLICANT INFORMATION

Applicant is the: <input checked="" type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: SDM Northlake, LLC		
Address: 445 Bishop Street, Suite 100		
City: Atlanta	State: Georgia	Zip: 30318
Contact Name: Steve Martin		
Phone: 470-235-3500		Email: sdm@sdmpartners.com

RECEIVED
 City of Tucker
 MAR 08 2021
 Community Development
 Department

OWNER INFORMATION

Name: Same as applicant		
Address:		
City:	State:	Zip:
Contact Name:		
Phone:		Email:

PROPERTY INFORMATION

Property Address: 2245 & 2249 Northlake Parkway		
Present Zoning District(s): NL-2	Requested Zoning District(s): NL-4	
Present Land Use Category: Regional Activity Center	Requested Land Use Category: N/A	
Land District: 18	Land Lot(s): 210	Acreage: 7.29
Proposed Development: Residential Townhome (Rental)		
Concurrent Variance(s): Lot Coverage - Section 46-1036		

RESIDENTIAL DEVELOPMENT

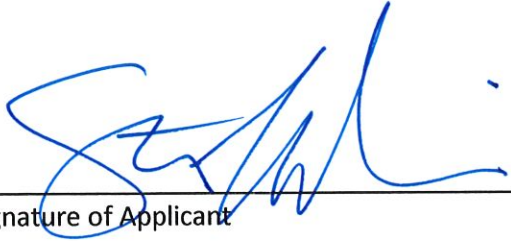
No. of Lots/Dwelling Units: 80	Dwelling Unit Size (Sq. Ft.): varies	Density: 11du/ac
--------------------------------	--------------------------------------	------------------

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: N/A	Total Building Sq. Ft.: N/A	Density: N/A
----------------------------	-----------------------------	--------------

APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.



3/2/21

Signature of Applicant

Date

Steven D. Martin

Manager

Type or Print Name and Title

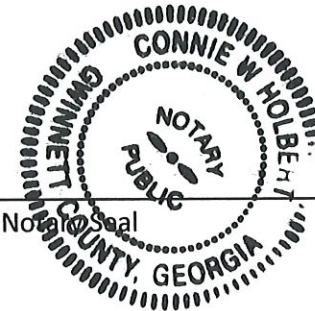


3-7-2021
exp 8-31-2021

Signature of Notary Public

Date

Notary Seal



PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

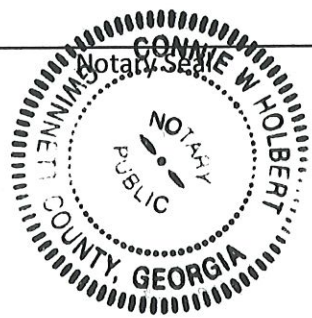
I, SDM Northlake, LLC (Property Owner), authorize, SDM Northlake, LLC c/o Morris Manning + Mutn (Applicant) Carl Westmoreland or Henry Bailey
to file for RZ + CV (RZ, CA, SLUP, M, CV), at 2245 Northlake Parkway (Address)
on this date March (Month) 8 (Day), 20 21

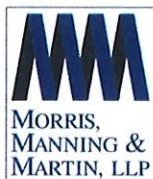
- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

[Signature] _____ Date 3/2/21
Signature of Property Owner

Steven D. Martin _____ Manager
Type or Print Name and Title

[Signature] _____ Date 3-2-2021
Signature of Notary Public exp 8-31-2021





Henry A. Bailey
404-504-5446
hbailey@mmmlaw.com
www.mmmlaw.com

March 8, 2021

City of Tucker
Planning and Zoning
1975 Lakeside Parkway, Suite 350
Tucker, Georgia 30084

**RE: Letter of intent for rezoning and concurrent variance for 2245 & 2249
Northlake Parkway, Tucker, Georgia (the "Property").**

To Whom it May Concern:

This application seeks approval of a rezoning request from NL-2 to NL-4 to accommodate the redevelopment of the Property into a townhome development. Along with the rezoning request, a variance is concurrently being requested on the maximum lot coverage allowed per Section 46-1036, which is to allow 52% as opposed to 50%. The Property is currently improved with a vacant office building. By granting the request herein, the Property will be totally redeveloped into an 80 unit rental townhome community as opposed to fee simple ownership. As a result, the townhomes along with the internal road network, common areas and open space will be under a single owner.

Very truly yours,

Henry A. Bailey, Jr.

REZONING JUSTIFICATION

2245 Northlake Parkway

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

The zoning proposal is in conformity with the policy and intent of the comprehensive plan. The property is currently zoned NL-2 and, if approved, will be zoned NL-4. The property is located within the Regional Activity Center character area and the NL-4 zoning district is one of the zoning districts permitted in that character area.

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

The zoning proposal requests to allow the development of a townhome community with individual leases as opposed to fee simple ownership. The adjacent and nearby properties include office, retail and other commercial uses. By allowing a townhome community on this property, a new housing product type will be introduced to this area of Tucker. At the same time, and in connection with the Atlas LaVista Hills multifamily development located across Interstate-285 on Northlake Parkway, the townhome community will help create a higher density neighborhood readily accessible to Interstate-285. Further, as a result of the property's proximity to the retail centers and offices in the area, residents will have the ability to travel on foot or by bike which would reduce the need for additional vehicular travel. Accordingly, the proposed use is suitable in view of the adjacent and nearby properties.

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

The property is currently zoned as NL-2, which among other things, permits multifamily residential apartment developments. A redevelopment of the property into a multifamily residential development scaled to the extent to make the project viable is likely to be undesirable in the area. The property currently contains an office building, which has been vacant for some time. To redevelop the property pursuant to its current zoning would require an undertaking that would not generate a reasonable economic use. This is evidenced by previous attempts to redevelop this site or adaptively reuse the property and suggests that the current zoning is misaligned with market conditions and demand for the area.

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

As previously mentioned, the property is proposed as a rental townhome development. The adjacent properties include office, retail and other commercial. The proposed development is intended to attract a high-end target market. There will be no short-term rental will allowed as the shortest lease, in limited circumstances is intended to be for at least six months. The vast

majority of leases will be for at least a year. All parking will be contained within the property and at the individual units. The residents of the townhome development will not be as transient as a multifamily apartment development would be. This helps create a sense of place and belongingness to the neighborhood, which will only be a benefit. The zoning proposal will not adversely affect the existing uses or usability of the adjacent or nearby properties.

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.

Due to Covid-19, and even before the pandemic, people were beginning to have more flexibility with regard to where and how they worked as companies are allowing their employees the flexibility to work remotely for various reasons. The pandemic heightened this need for flexibility. Demand for brick and mortar office buildings are dwindling and the ability to adaptively re-use those buildings are not economically aligned with projected returns on the end-use. As a result, office buildings and office parks nationwide are being redeveloped. In this case, a rental townhome development is proposed. This is targeted to those families and individuals that have the means to become homeowners but not the time or desire necessary to protect and grow the homeownership investment. That is where the applicant comes in. Under single ownership, the townhome project will allow for nearly all the joys of homeownership for both the renters and the broader neighborhood, but without the demands of homeownership. This residential product type is becoming more and more popular in Atlanta-Metro as the changing conditions and demand necessitate a different product.

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

The zoning proposal will not adversely affect any historic buildings, sites, districts or archaeological resources.

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 zoning proposal is located on a property that is currently developed and in an area that is currently developed and the impact on existing facilities and utilities will not cause an excessive or burdensome use. Further, while the proposal is for a residential use and there is likely to be an impact on schools, that impact is projected to be minimal.

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

The zoning proposal does not adversely impact the environment or surrounding natural resources. The property is currently improved with an office building that will be demolished as a part of the zoning proposal. All stormwater management will be contained on site.

VARIANCE JUSTIFICATION

2245 Northlake Parkway

- 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 slope), which were not created by the owner or applicant, the strict application of the requirements of this division would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The shape and size of the lot creates particular site conditions that prohibit strict compliance with the requirements of the zoning ordinance as relates to the lot coverage requirement. As indicated on the enclosed site plan, the lot is irregularly shaped, which limits placement of improvements and related facilities within the site. This limitation combined with the need to maintain access to the office buildings located on the immediately adjacent parcel to the east prohibit the applicant's ability to satisfy the lot coverage requirement of 50% according to Section 46-1036 of the zoning ordinance. The shape and size of the lot are conditions that are not created by the owner. To require strict compliance with the zoning ordinance, would deprive the owner of rights and privileges afforded to other property owners in this zoning district.

- 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 variance requested does not go beyond the minimum necessary to afford relief. The zoning ordinance requires a maximum of 50% lot coverage the proposed site plan indicates a maximum lot coverage of 52%. Ultimately the request is minimal and does not request more than that is necessary to afford relief.

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

The variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district where the property is located. The only other area in the City of Tucker that is zoned NL-4 is already improved with a townhome development, which will not be affected by the development proposed herein. Further, and although the adjacent property is not included in this application, it does have common ownership with the subject property. The adjacent parcel, when viewed together with the subject property, contains significant open space that will help ameliorate the negative effects, if any, of the subject property minimally exceeding the lot coverage requirement.

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

The literal interpretation and strict application of the zoning ordinance would cause undue and unnecessary hardship. If the property were required to strictly comply, the site layout and design would have to change such that functionality of the site at build out would be less than

desirable. Again, it is because of the size and shape of the lot that the owner is unable to satisfy the lot coverage requirement while also complying with all of the other elements of the zoning code. Reduced functionality and circuitry within the site and to the adjacent office building parcel would severely limit the marketability of the site to both potential residents of the townhomes and tenants of the adjacent office buildings.

5. The requested variance would be consistent with the spirit and purpose of this division and the comprehensive plan text.

The comprehensive plan has designated the property as Regional Activity Center. Within this designation, the comprehensive plan text calls for higher-density mix of retail, office, housing and services. Here, by granting the requested variance, the property will be able to be developed such that the intent of the comprehensive plan is met. The end result will be a townhome community located in a node of retail, office, housing and other commercial uses with close proximity to interstate access.



Vicinity Map

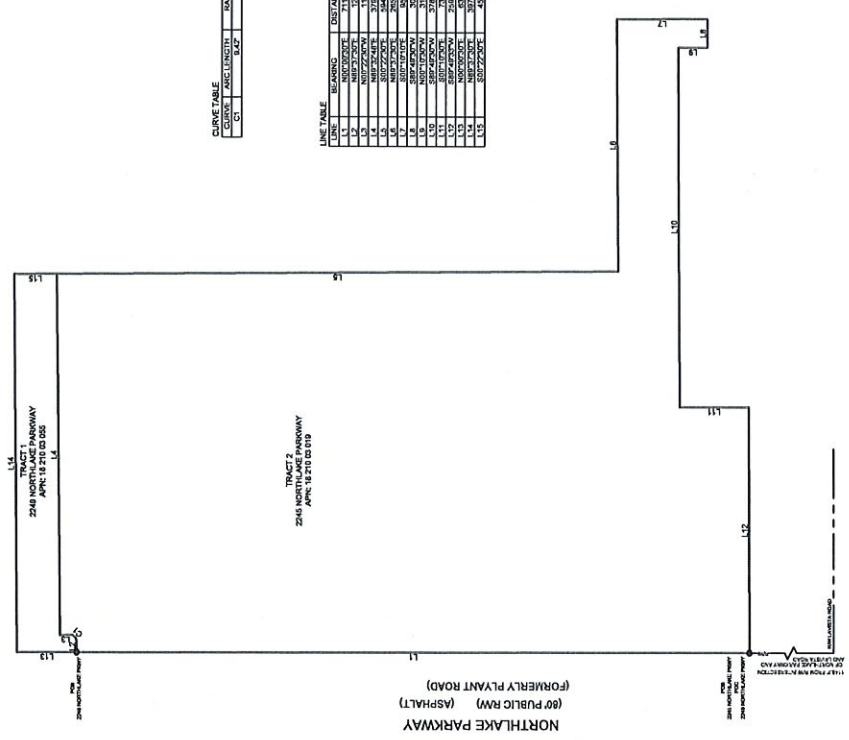


SCALE: 1" = 60'



CURVE	MARK LENGTH	RADIUS	CROWN BEARING	CHORD LENGTH	CHORD BEARING
C1	0.42'	6.00'	N45°32'00"E	0.84'	1.50'

LINE	BEARING	DISTANCE
L1	N00°00'00"W	12.15'
L2	N00°00'00"W	12.15'
L3	N00°00'00"W	12.15'
L4	N00°00'00"W	12.15'
L5	S00°00'00"E	315.66'
L6	S00°00'00"E	344.00'
L7	S00°00'00"E	358.00'
L8	S00°00'00"E	307.00'
L9	S00°00'00"E	307.00'
L10	S00°00'00"E	278.00'
L11	S00°00'00"E	253.16'
L12	S00°00'00"E	253.16'
L13	N00°00'00"W	653.00'
L14	S00°00'00"E	45.00'



Legend

POB	Point of Beginning	BY	North-south line on road
POC	Point of Commencement	BY	Right-of-way

Survey Notes

A. Tract 1 (244.00' x 244.00') is a 244.00' x 244.00' lot.

The plat was prepared by the Surveyor in accordance with the provisions of the Georgia Surveying and Mapping Act, Chapter 40, Title 40, Code of Georgia Annotated, and the rules and regulations of the State Board of Surveying and Mapping.

FLOOD NOTE:

The property shown on this plat is not a flood hazard area. The property is not located in a flood hazard area as shown on the Flood Hazard Insurance Study for the State of Georgia, dated 1987, and the Flood Hazard Insurance Study for the State of Georgia, dated 1997.

Area

Total area of subject property is 244.00 square feet. The area of subject property is 244.00 square feet. The area of subject property is 244.00 square feet.

This plat is a representation of an existing parcel of land and does not constitute a warranty of title. The Surveyor is not responsible for the accuracy of the information provided herein. The Surveyor is not responsible for the accuracy of the information provided herein. The Surveyor is not responsible for the accuracy of the information provided herein.

BOUNDARY EXHIBIT

SDM NORTHLAKE, LLC

LOCATION	LAND LOT: 210
DISTRICT: 187N	STATE: GEORGIA
COUNTY: DEKALB	CITY: NORTHLAKE PARKWAY
CITY: NORTHLAKE	
TAX PARCEL ID: 18 210 03 000 AND 18 210 03 010	

INFORMATION

JOB NUMBER: 2020
START DATE: 03/01/2021
FIELD WORK DATE: 03/01/2021
DATE OF PLOTTING: 03/01/2021
DRAWN BY: CLC
CHECKED BY: JLI



LEGAL DESCRIPTION

Tract 1

All that tract or parcel of land lying and being in Land Lot 210 of the 18th District, of DeKalb County, Georgia and being more particularly described as follows:

Beginning at a point on the eastern right-of-way line of Northlake Parkway (80-foot right-of way), said PK nail located a distance of 1,860.50 feet, as measured northeasterly along said right-of-way line of Northlake Parkway, and following the curvature thereof, from the intersection of the eastern right-of-way line of Northlake Parkway with the northerly right-of-way line of LaVista Road (also known as State Route 236) (right-of-way width varies); thence, proceed North 00 degrees 00 minutes 30 seconds East for a distance of 63.00 feet to a point; thence North 89 degrees 37 minutes 30 seconds East for a distance of 397.15 feet to a point; thence South 00 degrees 22 minutes 30 seconds East for a distance of 45.00 feet to a point; thence South 89 degrees 32 minutes 48 seconds West for a distance of 379.42 feet to a point; thence South 00 degrees 22 minutes 30 seconds East for a distance of 11.48 feet to a point; thence along a curve to the right having a radius of 6.00 feet and an arc length of 9.42 feet, said arc being subtended by a chord with a bearing of South 44 degrees 37 minutes 30 seconds West and a length of 8.49 feet, to a point; thence South 89 degrees 37 minutes 30 seconds West for a distance of 12.15 feet to a point and The True Point of Beginning.

Containing within said bounds 0.420 acres (18,295 square feet) more or less.

Tract 2

All that tract or parcel of land lying and being in Land Lot 210 of the 18th District, of DeKalb County, Georgia and being more particularly described as follows:

Beginning at a PK nail found on the eastern right-of-way line of Northlake Parkway (80-foot right-of way), said PK nail located a distance of 1,148.70 feet, as measured northeasterly along said right-of-way line of Northlake Parkway, and following the curvature thereof, from the intersection of the eastern right-of-way line of Northlake Parkway with the northerly right-of-way line of LaVista Road (also known as State Route 236) (right-of-way width varies); thence, proceed North 00 degrees 00 minutes 30 seconds East for a distance of 711.80 feet to a point; thence North 89 degrees 37 minutes 30 seconds East for a distance of 12.15 feet to a point; thence along a curve to the left having a radius of 6.00 feet and an arc length of 9.42 feet, said arc being subtended by a chord with a bearing of North 44 degrees 37 minutes 30 seconds East and a length of 8.49 feet, to a point; thence North 00 degrees 22 minutes 30 seconds West for a distance of 11.48 feet to a point; thence North 89 degrees 32 minutes 48 seconds East for a distance of 379.42 feet to a point; thence South 00 degrees 22 minutes 30 seconds East for a distance of 594.00 feet to a point; thence North 89 degrees 37 minutes 30 seconds East for a distance of 265.97 feet to a point; thence South 00 degrees 10 minutes 10 seconds East for a distance of 95.82 feet to a point; thence South 89 degrees 49 minutes 30 seconds West for a distance of 30.00 feet to a point; thence North 00 degrees 10 minutes 30 seconds West for a distance of 31.00 feet to a point; thence South 89 degrees 49 minutes 30 seconds West for a distance of 378.66 feet to a point; thence South 00

degrees 10 minutes 30 seconds East for a distance of 73.30 feet to a point; thence South 89 degrees 49 minutes 33 seconds West for a distance of 259.16 feet to a point and The True Point of Beginning.

Containing within said bounds 6.870 acres (299,257 square feet) more or less.



PRE-APPLICATION FORM

REZONING, COMPREHENSIVE PLAN AMENDMENT, SPECIAL LAND USE PERMIT, AND CONCURRENT VARIANCE

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Planning and Zoning Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: SDM Northlake, LLC

Site Address: 2245 Northlake Parkway Parcel Size: 7.25 acres

Proposal Description: Rezoning from NL-2 to NL-4 to accommodate the redevelopment of the property
from its current vacant office use to an 80-unit rental townhome community.

Existing Zoning Designation and Case Number: NL-2

Proposed Zoning Designation: NL-4 CV: Lot Coverage

Proposed SLUP Request: N/A CV: N/A

Comprehensive Land Use Map Designation: Regional Activity Center

Overlay District: Northlake

Staff: Courtney Smith Date: 2/3/2021

NO.	REVISION AND REVISION DESCRIPTIONS	DATE	BY

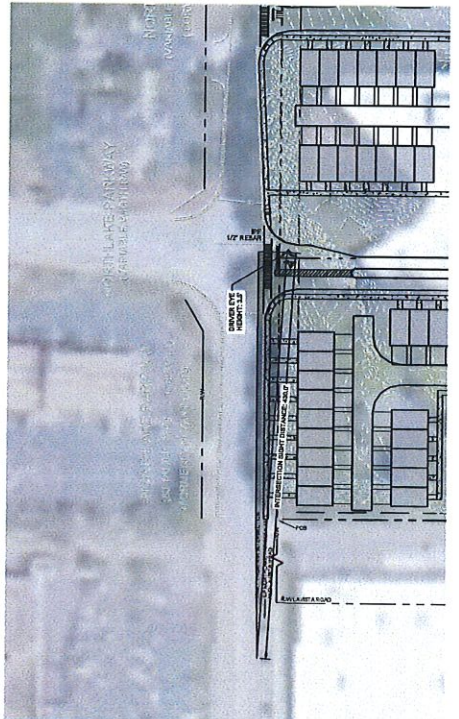
ACCESS & CIRCULATION PLAN
 SHEET NUMBER **C2-30**

DATE: 02/20/2021
 PROJECT NO.: 201800003
 DRAWN BY: JAC
 CHECKED BY: JAC
 DESIGNED BY: JAC
 SCALE: 1"=40'

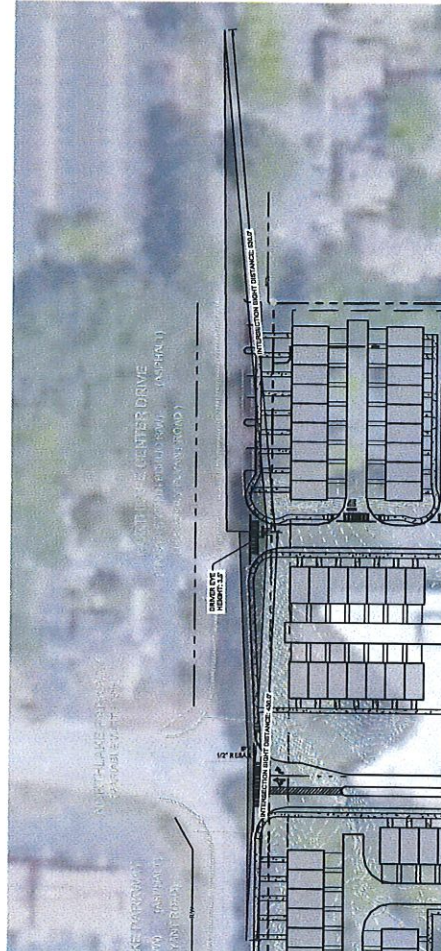
SITE PLAN LEGEND:

- ① FIRE HYDRANT
- ② FDC REMOTE
- ③ FDC WALL MOUNTED
- 40' HOSE LAY LENGTH

DESIGN FIRE TRUCK

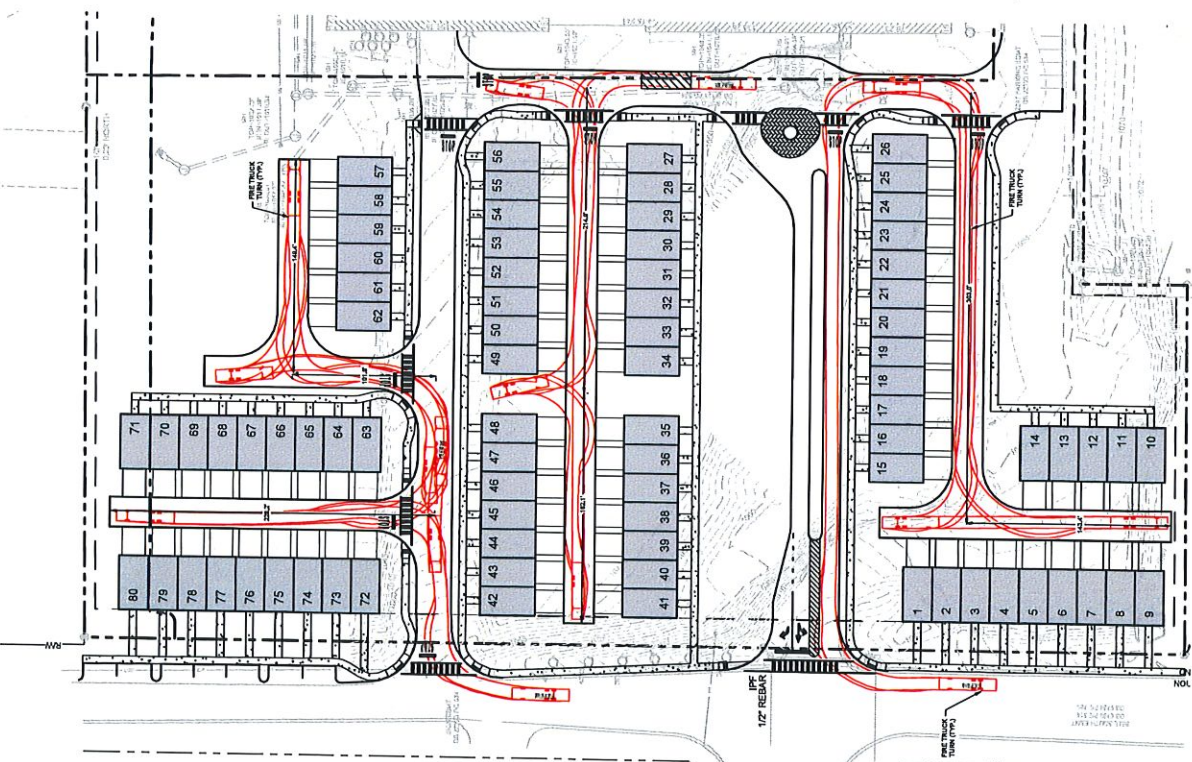


GRAPHIC SCALE IN FEET
 0 20 40 60 80 100



GRAPHIC SCALE IN FEET
 0 20 40 60 80 100

RECEIVED
 City of Tucker
MAR 08 2021
 Community Development
 Department



GRAPHIC SCALE IN FEET
 0 20 40 60 80 100

FIRE ACCESS PLAN

1175 ALPHARETTA, GEORGIA 30004
 404.487.7800
 WWW.KIMLEY-HORN.COM

Kimley-Horn

SDM NORTHLAKE, LLC
 1188 AVENUE OF THE AMERICAS, SUITE 1800
 NEW YORK, NY 10020
 PHONE: 212.509.0343

NO.	ISSUANCE AND REVISION DESCRIPTIONS	DATE

SDM NORTHLAKE
 LAND LOT 210, 18TH DISTRICT
 2245 NORTHLAKE PARK, TUCKER, GA 30084

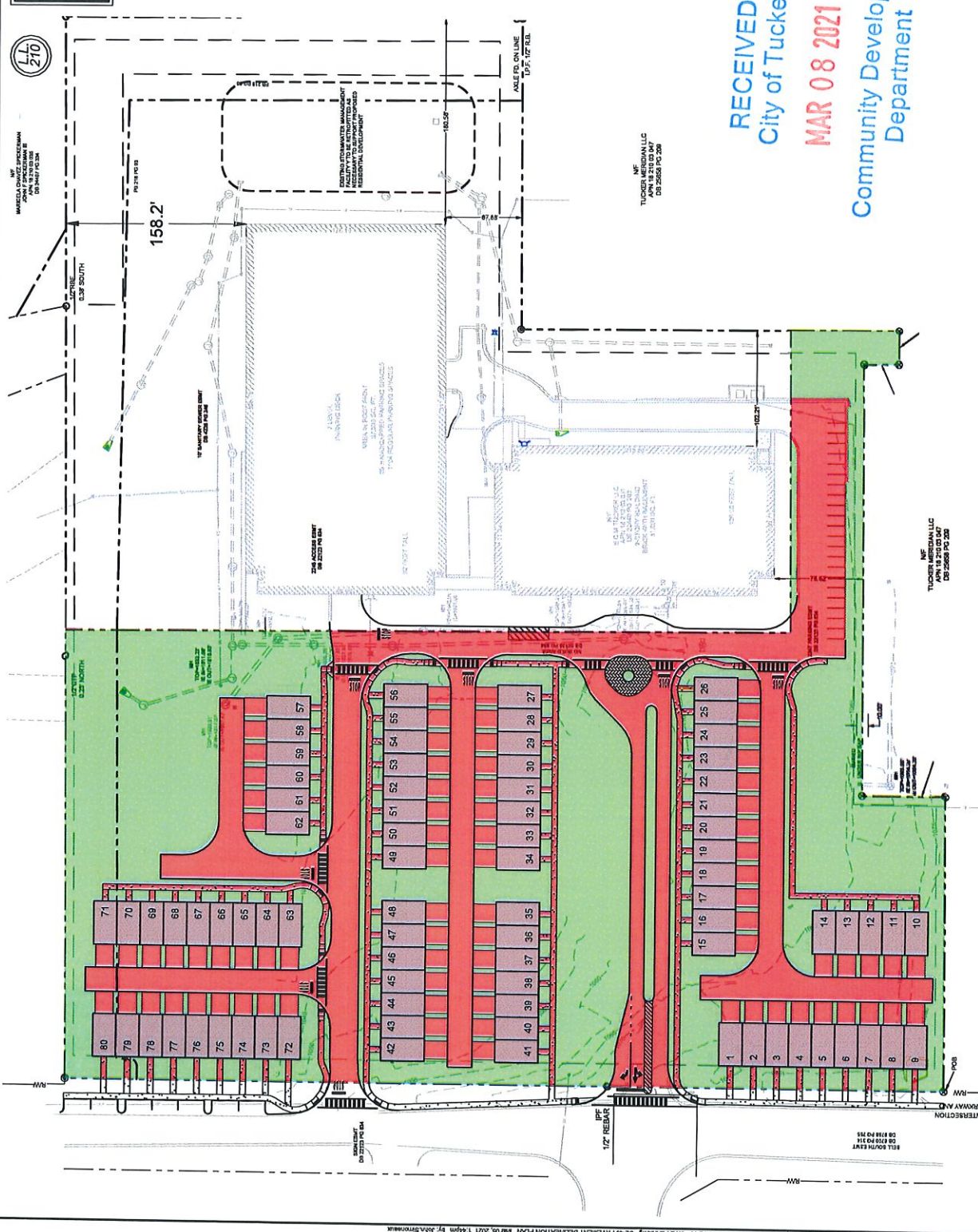


DESIGNED BY: 00007702
 DRAWN BY: JAC
 CHECKED BY: JAC
 DATE: 03/02/21
 PROJECT NO: 17080000

TITLE: GROUND COVER PLAN
 SHEET NUMBER: C2-40

SITE PLAN LEGEND:

- PROPERTY LINE
- ONSITE IMPERVIOUS AREA, 4.10 ACRES
- ONSITE PERVIOUS AREA, 3.19 ACRES



RECEIVED
 City of Tucker
MAR 08 2021
 Community Development
 Department



Drawing name: K:\PL\1710150000_SDM\1710150000\2021\04\01\Impervious & Pervious Eshel20-00-SITE PLAN.dwg C2-40 PAVEMENT DESTRUCTION PLAN - MAR 05 2021 1:45pm By: John Stronach