



Planning and Zoning
1975 Lakeside Parkway, Suite 350
Tucker, GA 30084
Phone: 678-597-9040
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: ☒ Property Owner ☐ Owner's Agent ☐ Contract Purchaser

Name: Wayne Evans

Address: 3857 Cardinal Drive

City: Tucker State: GA Zip: 30084

Contact Name: Wayne Evans

Phone: 404-786-8990 Email: weplumb@bellsouth.net

OWNER INFORMATION

Name: Wayne Evans

Address: 3857 Cardinal Drive

City: Tucker State: GA Zip: 30084

Contact Name:

Phone: Email:

PROPERTY INFORMATION

Property Address: 4850 Hammernill Road

Present Zoning District(s): RE Requested Zoning District(s): M

Present Land Use Category: Residential Requested Land Use Category: High Industrial

Land District: 18th of Dekalb Land Lot(s): 184 Acreage: 1.09121

Proposed Development:

Concurrent Variance(s):

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units: Dwelling Unit Size (Sq. Ft.): Density:

NON-RESIDENTIAL DEVELOPMENT

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

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LAND USE PETITION APPLICATION - REVISED 01/08/2024

RZ-24-0004

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, Wayne Evans, authorize, Wayne Evans,
(Property Owner) (Applicant)

to file for _____, at 4850 Hammermill Dr
(RZ, CA, SLUP, M, CV) (Address)

on this date August, 2024
(Month) (Day)

- 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.

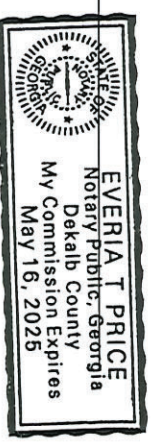
Signature of Property Owner Wayne Evans Date 8/22/24

Wayne Evans
Type or Print Name and Title

Signature of Notary Public Everia T. Price

Date 8/22/24

Notary Seal



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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE:

YES (if YES, complete points 1 through 4);

☒ NO (if NO, complete only point 4)

1.

CIRCLE ONE:

Party to Petition (if party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (if in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- | | |
|----------------------------------|----------|
| 1. <u>Wayne Evans - WE Plumb</u> | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

3.

CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

4.

The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information, and belief.

Name (print) Wayne Evans

Signature: Wayne Evans Date: 8-22-2024

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W. E. PLUMB

Wayne Evans, Owner

3857 Cardinal Drive

Tucker, Georgia 30084

weplumb@bellsouth.net (404-786-8990) cell

June 17, 2024

Dear Neighbors of 4850 Hammermill Road,

I am interested in rezoning my property at 4850 Hammermill Road from Residential to M, which is light industrial. Light Industrial is the current zoning for my neighbors on Hammermill. I plan to use the parcel to park my work equipment, which is a permitted use under that zoning.

The first step in the rezoning process is holding a Public Participation (neighborhood) meeting with the community to discuss our proposal with you and receive feedback. This meeting is required before we can submit our application for the rezoning to the City of Tucker. You are receiving this letter because you own a property within 500' of my property. We hope you will be able to meet with us at the property on **July 8th at 4:30 pm**, to discuss any questions you may have. If you are unable to attend or wish to reach out beforehand, please send me an email: weplumb@bellsouth.net.

We have included a site plan of our current proposal as well as a flyer outlining the land use petition process in the City of Tucker. Questions relating to city matters can be submitted to info@tuckerga.gov.

Sincerely,



Wayne Evans

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First Owner Name	Second Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Property Address
MOUNTAIN SHADOW COUNTRY CLUB		4900 CHEDWORTH DR	STONE MO	GA	30087	4901 Chedworth Drive St Mt, GA 30087
FONG GILBER SMITH KIMBERLY A		1996 MOUNTAIN CREEK DR	STONE MO	GA	30087	1996 Mountain Creek Drive St Mt, GA 30087
MOUNTAIN CREEK ASSN INC		2092 MOUNTAIN CREEK CT	STONE MO	GA	30087	2092 Mountain Creek Court St Mt, GA 30087
CALCOTE REAL ESTATE LLC		7920 STAGE HILLS BLVD	BARTLETT	TN	38133	4772 Stone Drive Tucker, GA 30084
CARROLL JIM CARROLL JIMMY G	REVOC LIV TRST	1929 SAND CT	TUCKER	GA	30084	4879 Hammermill Road Tucker, GA 30084
TUCKER TERMINAL, LLC		PO BOX 678	PALM CITY	FL	34991	4919 Hammermill Road Tucker, GA 30084
A & T ASSOCIATES LLC		4880 HAMMERMILL RD	TUCKER	GA	30084	4880 Hammermill Road Tucker, GA 30084
JARBISER JACI BAGEL SHERRY A	IRREVOCABLE TR	1690 PARLAMENT PT NE	ATLANTA	GA	30329	4820 Hammermill Road Tucker, GA 30084
ROCLE ENTERPRISES LLC		1895 CHARTWELL TRCE	STONE MO	GA	30087	4840 Hammermill Road Tucker, GA 30084
OTIP MARITAL COFER JUANITA B		2300 MAIN ST	TUCKER	GA	30084	4850 Hammermill Road Tucker, GA 30084
DEVELOPMENT AUTHORITY		129 MARTEN ST	MONDOVI	WI	54755	
SP GROUPS USA INC		1711 CHURCH ST	DECATUR	GA	30033	

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Public Participation Plan Report
4850 Hammermill Road

Contact Name: Wayne Evans

Meeting Date: July 8, 2024

Meeting Location: On-Site 4850 Hammermill Road

Meeting Start Time: 4:30 PM

Meeting End Time: 6:00 PM

Number of people in attendance: 0

Date of Filing of Land Use Petition Application: August 22, 2024

Invitations for the neighborhood meeting were mailed to the list provided by the City of Tucker. A copy of the proposed site plan and a flyer outlining the land use petition process were included. In the invitation I included my email and phone number for anyone that had questions or concerns and could not be present.

Mr. Ed King of King Realty, representing a property owner notified by letter, called to request a copy of the letter for himself to review – which I emailed to him. He called after discussing my proposal with his client to inform me that they had no concerns.

Michelle Penkava and I set up for the meeting, providing water, snacks, shade and large copies of my site-plan. We stayed for 1.5 hours. We had no attendees.

I have had no requests to alter my plan.

I, the undersigned, as the applicant do solemnly swear and attest that the information provided is true and accurate. I have included a complete record of the neighborhood meeting, as well as an honest response regarding the intentions for development.

Signature of Applicant

Wayne Evans

Date

8/22/24

Wayne Evans, Applicant



Signature of Notary

Everia T. Price 8/22/24

Date

Notary Seal

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 184 of the 18th District of DeKalb County, Georgia and being shown as an "OUT" Parcel containing 1.09121 Acres, more or less, on survey prepared for Smokerise by Watts & Browning Engineers, Inc., dated August 23, 1996 and last revised August 7, 1997 and being more particularly described as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING begin at the common corner of Land Lots 170, 171, 183 and 184, said District, which point is also located at the Northeast corner of Parcel Four, containing 4.42081 Acres as shown on survey referred to above and extend thence the following calls and distances as measured along the line dividing Land Lots 184 and 183, said District:

North 00°07'10" East and along the line of Lot L, Mountain Interchange Industrial Park now or formerly belonging to Whitehall Properties, Ltd., a distance of 549.98 feet to an iron pin found; North 00°11'51" East and partially along the line of Whitehall and along the line of property now or formerly belonging to Max M. Alvarez and Joseph A. Burton and shown as Lot "K", Mountain Interchange Industrial Park a distance of 400.27 feet to an iron pin found; North 00°02'1" East and along the line of property now or formerly belonging to Arbiser and shown as Lot "J", Mountain Interchange Industrial Park a distance of 370.74 feet to an iron pin found; North 00°09'03" East and along the line of property now or formerly belonging to Lor, Inc. and shown as Lot "I" of Mountain Interchange Industrial Park a distance of 150.11 feet to an iron pin found at the TRUE POINT OF BEGINNING

From said True Point of Beginning extending thence South 89°58'18" West and along the line of property now or formerly belonging to Lor, Inc. a distance of 309.95 feet to an iron pin found on the Northeasterly Right of Way of Hammermill Road (60' R/W); extending thence Northwesterly and following the curvature of Hammermill Road an Arc distance of 159.27 feet, which is subtended by a chord bearing North 26°50'38" West a chord distance of 157.89 feet to an iron pin found on the line of Lot "H", Mountain Interchange Industrial Park; extending thence South 89°50'43" East and along the line of Lot "H" a distance of 381.50 feet to an iron pin found on the line dividing Land Lots 183 and 184, said District; extending thence South 00°06'06" west and along the line dividing Land Lots 183 and 184, said District, a distance of 139.70 feet to the iron pin found at the True Point of Beginning.

Parcel ID Number: 18 184 07 035.

Subject to any Easements or Restrictions of Record.

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GA-BD-24-0074-PUR

Exhibit A Legal Description

August 21, 2024

Courtney Smith
Director of Community Development
City of Tucker
1975 Lakeside Parkway
Tucker, GA 30084

Ms. Smith,

As the property owner of 4850 Hammermill Road, I am petitioning the City to rezone my property to Light Industrial from RE residential, bringing it into compliance with the Future Land Use Map and the Character of this area. Once rezoned, it is my intent to use my property to park my work vehicles – a use permitted in Light Industrial.

I look forward to the opportunity to discuss this matter. Enclosed are the items designated on the Land Use Petition Checklist. Please let me know if you need any additional information.

Sincerely,



Wayne Evans, Owner

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Section 46-1560. Standards and factors governing review of proposed amendments to the Official Zoning Map.

The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map:

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

4850 Hammermill Road is currently zoned Residential Estate- Surrounded on three sides by M-Light Industrial. The property backs up to the Smokerise Country Club Golf Course- zoned Residential Estate. Rezoning this parcel will bring it into compliance with the Character Area/Future Land Use Map – which includes it as Light Industrial with its neighbors, which also back up to the Golf Course.

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:

Yes – With the exception of the Golf Course, the adjacent and nearby properties are all zoned Light Industrial. Rezoning to Light Industrial is more suitable for the neighborhood. There is a required buffer 75' adjacent to the the Golf Course.

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

The property as zoned has less economic use – It would be less than ideal to have a single-family home sandwiched between to lots with current Light Industrial Use, with NO nearby residential neighbors.

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

No. Prior to Mr. Evans purchasing the property, it had become overgrown at the property lines and had been used as a vegetation dumping area.

There was also significant trash piled on the property. The trash and debris have been removed and the property will be secured.

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:

This parcel is an outlier zoned as residential, surrounded by Light Industrial. Rezoning brings the property into compliance with the Character Area/Future Land Use Map.

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

No. Mr. Evans does not plan to use the site as a customer facing location. He will be parking his work vehicles/equipment on the property – which is allowed by-right in Light Industrial. There will be no impact on schools.

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

No. All required buffers will be maintained. There is no creek or stream on or abutting the property. The driveway and much of the level area of the property has a significant gravel base and top gravel where the driveway and parking pad will be located, so no clearing is necessary.

ENVIRONMENTAL SITE ANALYSIS FORM Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN. Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

The owner of the property is requesting a rezoning from Residential Estate to M-Light Industrial. He plans to use the property to park his work vehicles, which is permitted by-right in Light Industrial. The Character Area/Future Land Use Map shows this property as Light Industrial. The property is the only parcel in the M zoned neighborhood that is zoned RE. The next-door neighbors and neighbors along the same side of Hammermill Road also back up to the Smoke Rise Golf Course and RE zoning. The property is located in Light Industrial Character Area.

2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT. For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

a. Wetlands – No wetlands will be impacted by this project

b. Floodplain – This property is not located in a floodplain. There will be no impact by this project.

c. Streams/stream buffers – There are no streams or stream buffers on this property. None will be impacted by this project.

d. Slopes exceeding 25 percent over a 10-foot rise in elevation – None located on this property.

e. Vegetation – Will remain roughly the same. The property will be maintained and kept free of underbrush and weeds. The areas identified for a driveway and parking are free of vegetation.

f. Wildlife Species (including fish) – There will be little to no impact to wildlife on the property.

g. Archeological/Historical Sites – There are no known archeological or Historical sites on the property

ENVIRONMENTAL SITE ANALYSIS FORM (CONTINUED)

3. PROJECT IMPLEMENTATION MEASURES. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors: N/A

b. Protection of water quality N/A

c. Minimization of negative impacts on existing infrastructure: There will be no impact to sewer.

d. Minimization on archeological/historically significant areas N/A

e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries, and manufacturing facilities) uses: There will be no negative impact.

f. Creation and preservation of green space and open space: Non-pervious surfaces will remain under the maximum allowed. The remainder of the parcel will remain much as it is – but maintained.

g. Protection of citizens from the negative impacts of noise and lighting: N/A

h. Protection of parks and recreational green space: N/A

i. Minimization of impacts to wildlife habitats: Little disruption to the existing conditions.

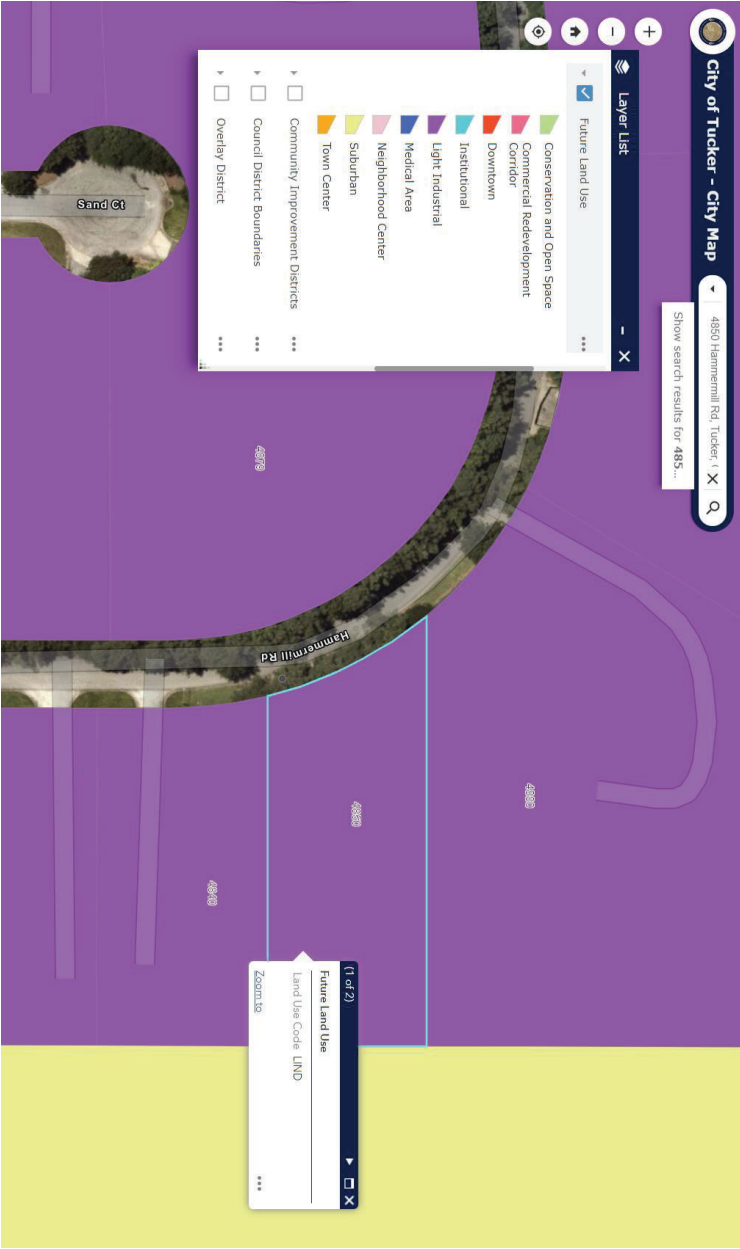
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October 8, 2024,

Courtney Smith
Directory of Community Development
City of Tucker
1975 Lakeside Parkway
Suite 350
Tucker, GA 30084

Re: Trip Generation of 4850 Hammermill Road Rezoning

Dear Courtney,

I am requesting my property, 4850 Hammermill Road, be rezoned from RE to Light Industrial, which will bring my parcel into compliance with the Future Land Use Map and the Character Designation of the area. I intend to use the property to park my Work Vehicles and Equipment. There will be no customer facing use and I will only be accessing the vehicles/equipment as required for certain jobs. There will be many days that I will not need to access my vehicles/equipment at all.

I am the only employee of my Plumbing company, W.E. Plumb. Using data from the Trip Generation Manual, 10th Edition, specifically for “Specialty Trade Contractor – Plumber”, we have calculated that an average of four (4) trips per day will be generated. Note: this is an overestimate based on the available ITE Comparisons.

Please find attached, supporting data analysis documents.

Thank you,

Wayne Evans, Owner
4850 Hammermill Road

Cc: Michelle Penkava

Attachments

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Land Use: 180

Specialty Trade Contractor

Description

A specialty trade contractor is a business primarily involved in providing contract repairs and services to meet industrial or residential needs. This land use includes businesses that provide the following services: plumbing, heating and cooling, machine repair, electrical and mechanical repair, industrial supply, roofing, locksmith, weed and pest control, and cleaning.

Additional Data

Time-of-day distribution data for this land use are presented in Appendix A. For the 19 general urban/suburban sites with data, the overall highest vehicle volumes during the AM and PM on a weekday were counted between 7:30 and 8:30 a.m. and 4:15 and 5:15 p.m., respectively.

The sites were surveyed in the 2010s in Texas.

Source Numbers

889, 890

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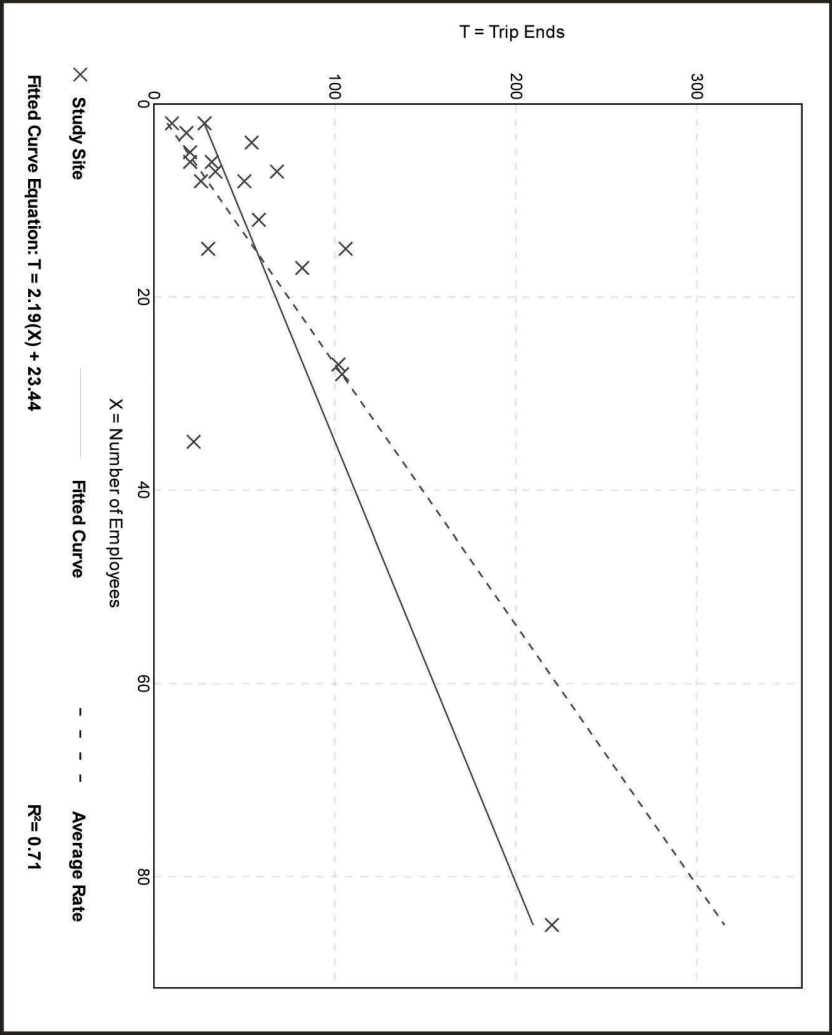
Specialty Trade Contractor (180)

Vehicle Trip Ends vs: Employees
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 19
Avg. Num. of Employees: 15
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Employee		
Average Rate	Range of Rates	Standard Deviation
3.71	0.63 - 14.00	2.43

Data Plot and Equation



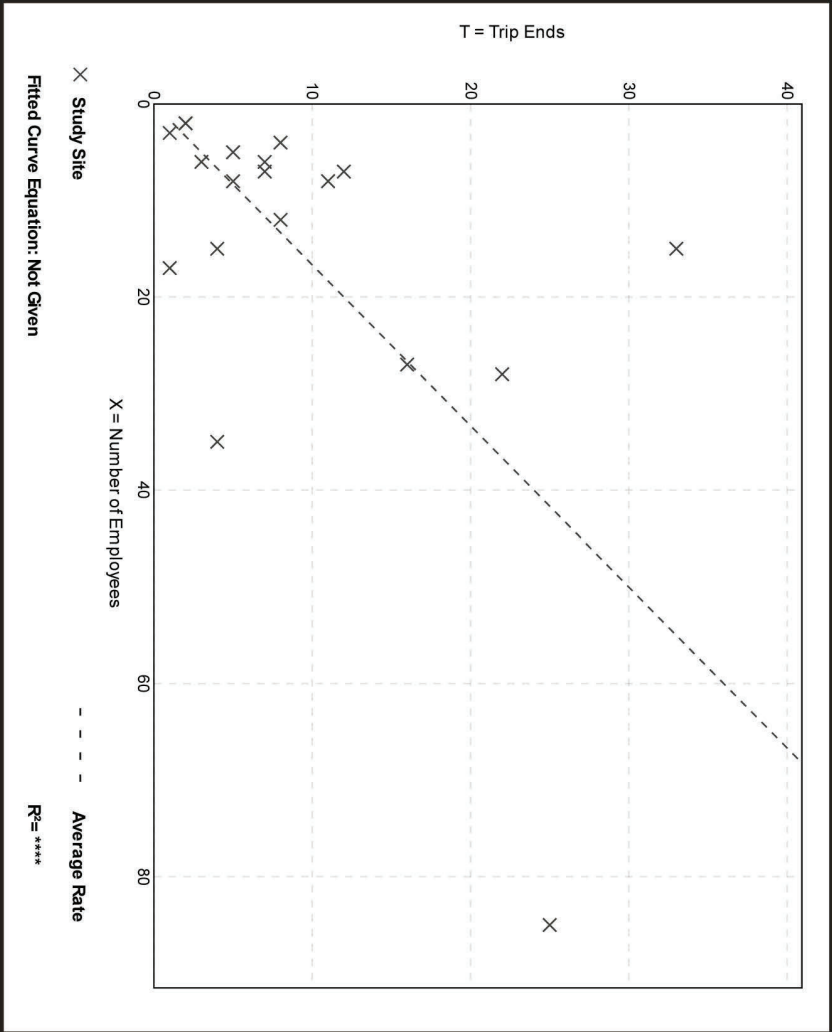
Specialty Trade Contractor
(180)

Vehicle Trip Ends vs: Employees
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 19
Avg. Num. of Employees: 15
Directional Distribution: 73% entering, 27% exiting

Vehicle Trip Generation per Employee

Average Rate	Range of Rates	Standard Deviation
0.60	0.06 - 2.20	0.57

Data Plot and Equation

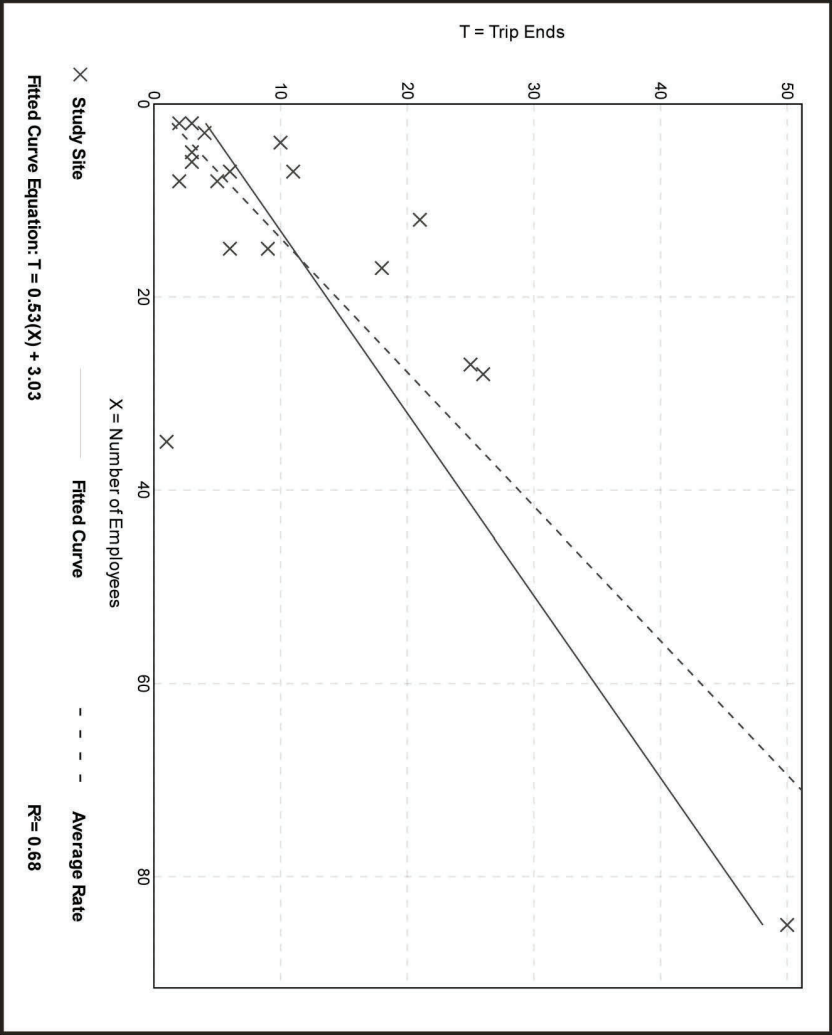


Specialty Trade Contractor
(180)

Vehicle Trip Ends vs: Employees
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 18
Avg. Num. of Employees: 16
Directional Distribution: 32% entering, 68% exiting

Vehicle Trip Generation per Employee		
Average Rate	Range of Rates	Standard Deviation
0.72	0.03 - 2.50	0.47

Data Plot and Equation



ITE Trip Generation: Specialty Trade Contractor - Plumber

Land Use Code/LC	Proposed Land Use	Size	Intensity Units	Total Generated Trips						Peak Hour Type	Data Source	
				Daily Trips 50% Entering /Exiting	AM			PM				
					In	Out	Total	In	Out			Total
180	Specialty Trade Contractor	1	Employees	4	1	0	1	0	1	1	Adjacent	Avg Rate

Trips were estimated using ITE Trip Gen 10th Edition.

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