

RZ-21-007 - Arabia Mountain Conservation Overlay Expansion - Staff Report



PLANNING & ZONING STAFF REPORT

RZ-21-007

City Council Regular Meeting, November 22, 2021

GENERAL INFORMATION

Petition Number: RZ-21-007

Applicant: City of Stonecrest, Planning & Zoning Dept

Owner/ Property Location: Multiple owners see chart below. Seventeen (17) parcels of land east of Klondike Rd and Plunkett Rd, south of Hayden Quarry Road, and north of Rockland Road

Parcel ID	Address	Acreage	Owner/Developer
16 139 02 010	6815 Hayden Quarry Rd	25.0	Dekalb County Budget Dept
16 139 02 017	3216 Klondike Road	0.6	Kelly, James Roger *
16 139 02 020	3220 Klondike Road	1.0	Tannehill, Carol Torbush *
16 139 02 008	3230 Klondike Road	3.2	Torbush, Elizabeth Diane *
16 139 02 016	3240 Klondike Road	0.5	Brown, C H *
16 139 02 007	3278 Klondike Road	42.0	Brantley Investments LP
16 139 02 019	3304 Klondike Road	1.0	McAllister, Shonette
16 140 03 018	3280 Plunkett Road	0.4	State of Georgia
16 140 03 027	3310 Plunkett Road	2.4	Ballew, Avery *
16 140 03 016	3350 Plunkett Road **	41.0	Treefort Properties LLC
16 140 03 019	3332 Plunkett Road	2.5	Treefort Properties LLC
16 140 03 020	3418 Plunkett Road **	12.2	Merrit Homes Inc
16 140 03 028	3466 Plunkett Road	14.5	Morris, Fred B *
16 140 03 008	6900 Rockland Road	6.1	Latsis, David *
16 140 03 026	6914 Rockland Road	7.0	Brown, Patrick L *
16 141 06 001	3582 Plunkett Road	0.4	Landell, Shani Ruth Augustin
16 141 06 002	6888 Rockland Road	0.5	Landell, Shani Ruth Augustin

* Owner Occupied, Address of owner matches property address

** Address has open permits

Council District: District 1 – Jimmy Clanton

Acreage: Approximately 160.03 acres

Existing Zoning: R-100 (Residential Med Lot) District, Stonecrest Area Overlay, Tier 5

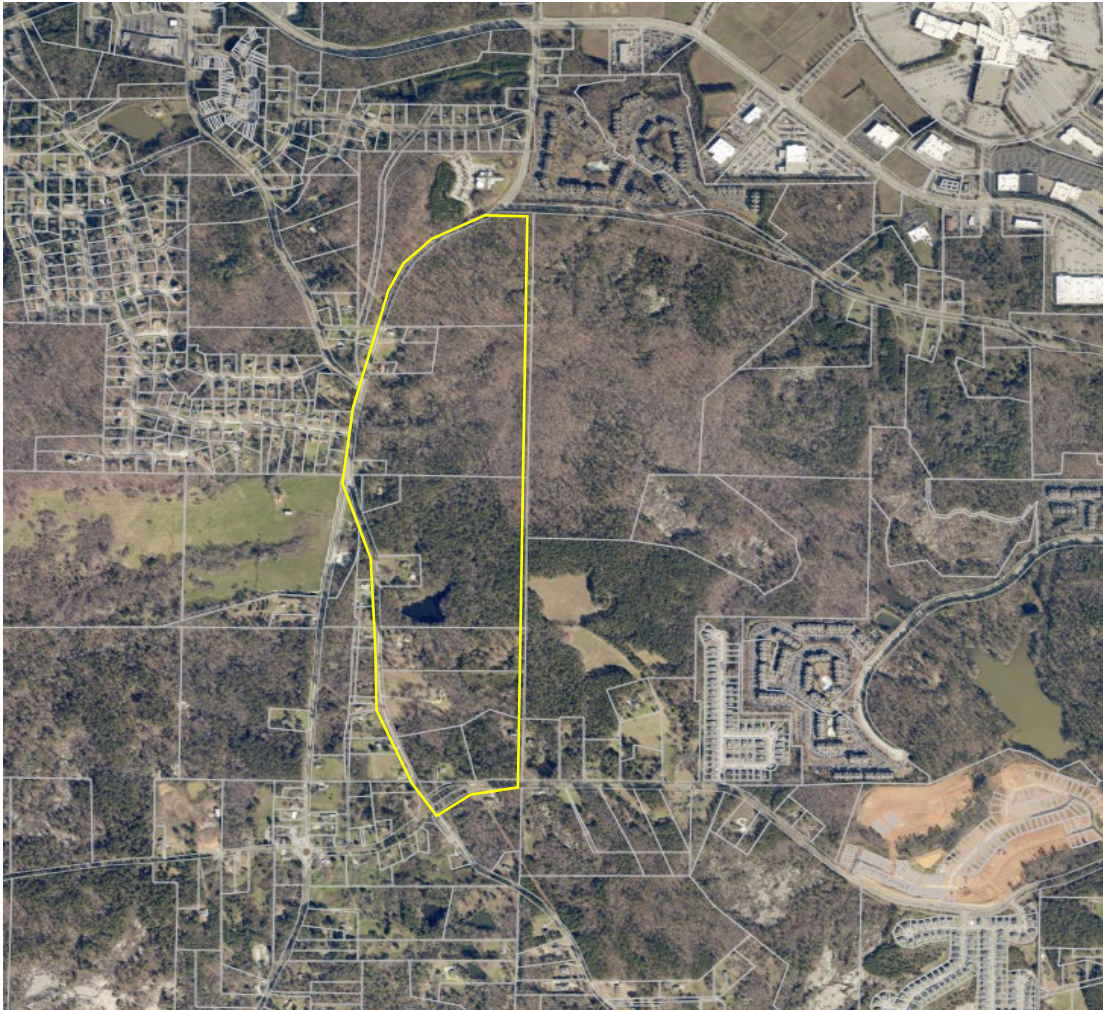


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Proposed Zoning:	R-100 (Residential Med Lot) District, Arabia Mountain Conservation Overlay
Comprehensive Plan Character Area Designations:	Conservation/Open Space, Suburban, and Rural Residential
Proposed Development/Request:	Proposed city-initiated rezoning from Stonecrest Area Overlay, Tier 5 to Arabia Mountain Conservation Overlay.
Staff Recommendations:	Approval
Planning Commission Recommendation:	Approval.

Aerial Map, RZ-21-007

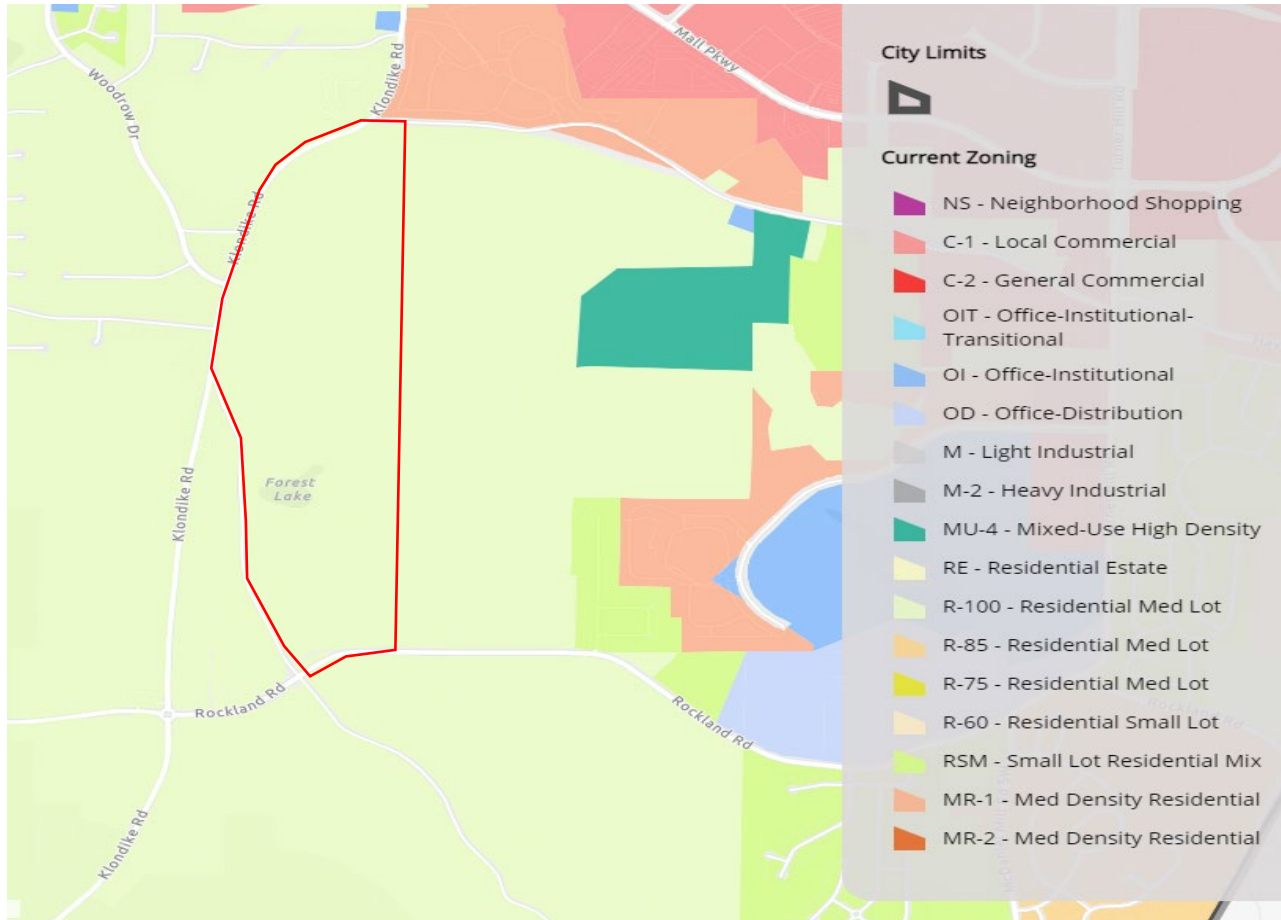




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Zoning Map, RZ-21-007



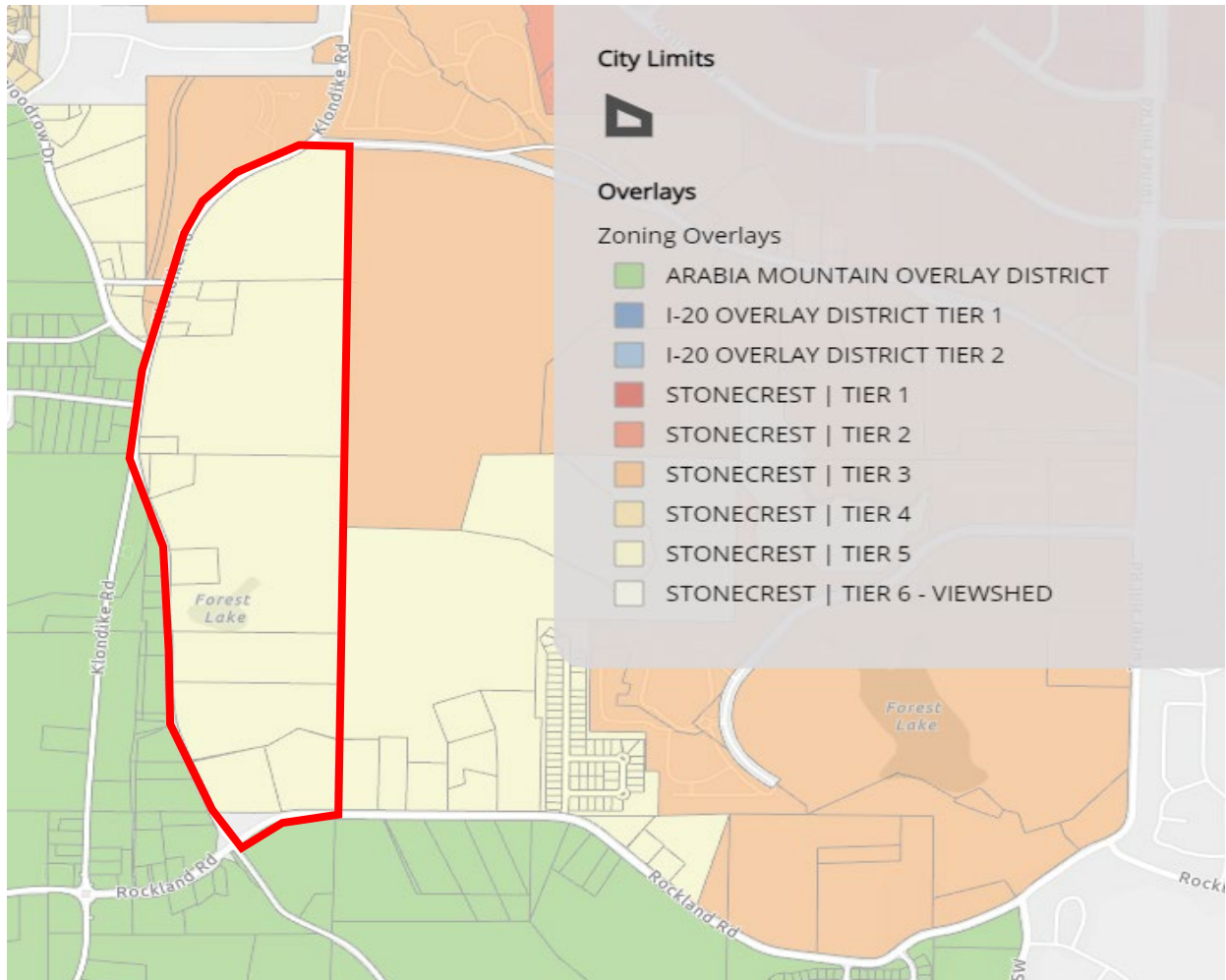
The area in question is outlined in red and is zoned R-100, Single Family Residential



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Overlay District Map



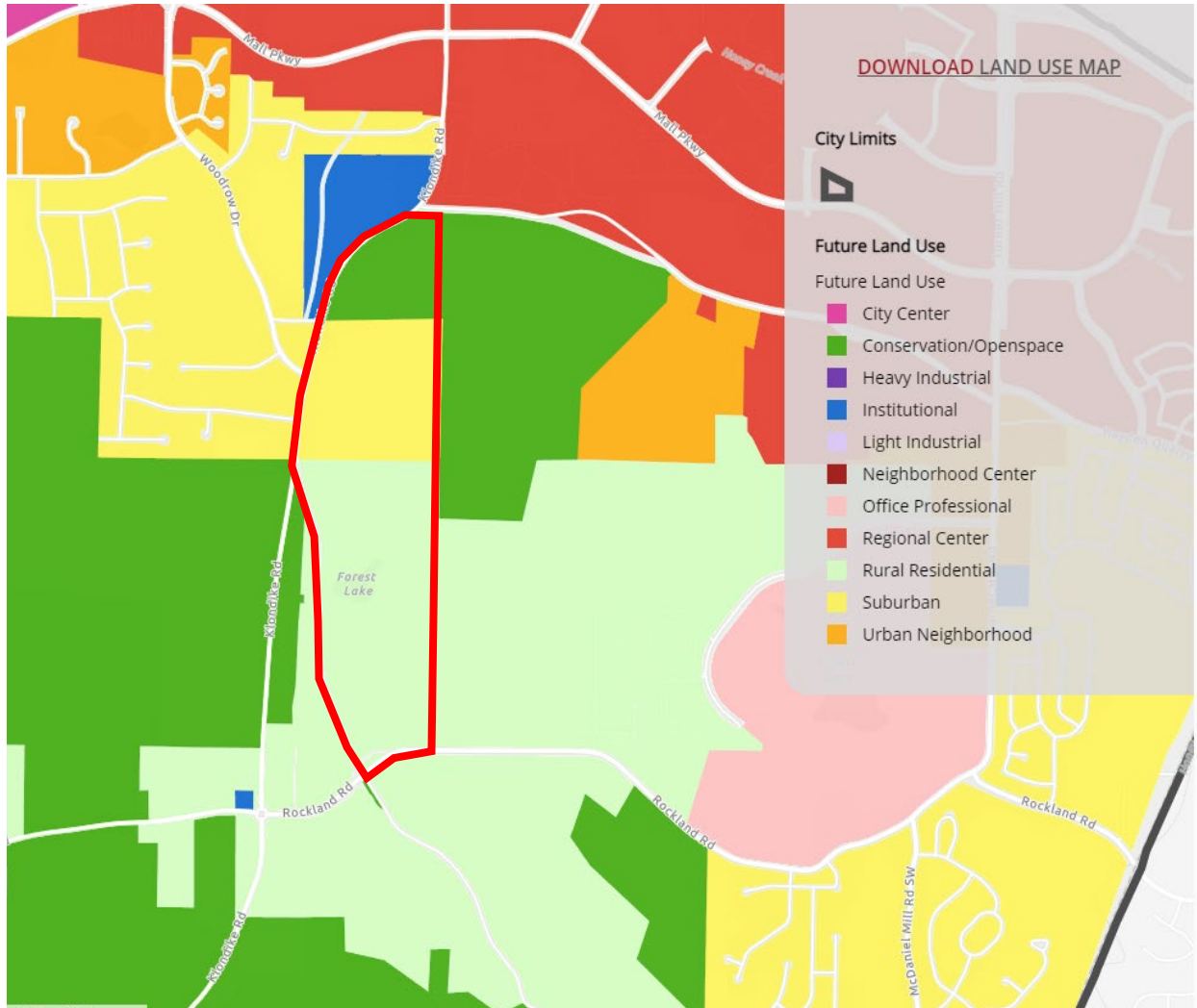
The area in question is outlined in red and is in Tier 5 of the Stonecrest Area Overlay, adjacent to the Arabia Mountain Conservation Overlay to the west and south.



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Future Land Use Map, RZ-21-007



Subject Area includes 3 character areas on the Future Land Use Plan: Conservation/Open Space, Suburban, and Rural Residential

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OVERVIEW

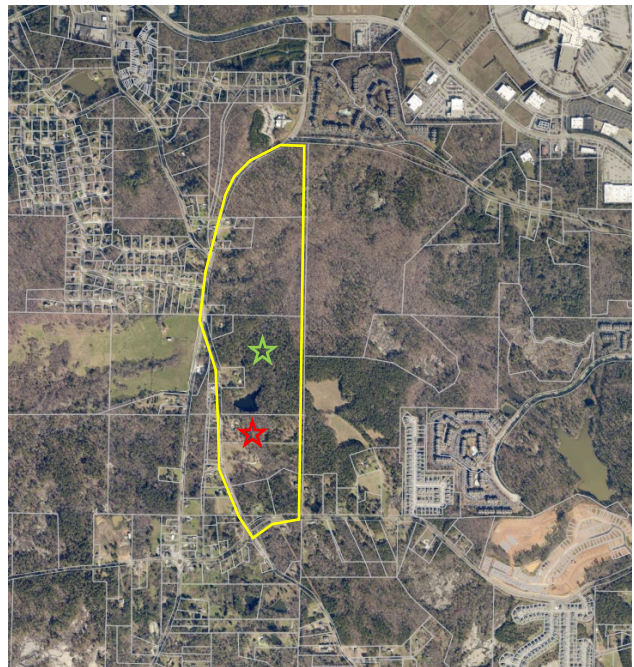
Location

The subject property is comprised of seventeen (17) parcels of land east of Klondike Rd and Plunkett Rd, south of Hayden Quarry Road, and north of Rockland Road and includes approximately 160 acres.

Background and reason for the rezoning

Currently, the area contains a number of single-family homes in wooded and agricultural setting, dotted with rock outcropping, consistent with the character with the other lands in Arabia Mountain Conservation Overlay. Klondike and Plunkett Road is a major gateway to the Davidson-Arabia Mountain Nature Preserve, and the offices of the Arabia Mountain Alliance are across Plunkett Road from the subject area.

Though the area is currently very much character with the Arabia Mountain overlay, it also lies with in the Stonecrest Area Overlay District, which would allow the future development of office and commercial uses along Plunkett Road. Recently some permits have been granted for construction in the area, which has raised concerns about maintaining the overall rural character of the area. The best way to preserve that character is to expand the adjacent Arabia Mountain Conservation Overlay to include the subject area.



One of these proposed developments that raised interest in the rezoning is a 11-lot subdivision being development by Merritt Homes at 3418 Plunkett Road on 12.2 acres, the location is denoted by a red star on the map above. The other development that raised interest in the rezoning is the restoration of an historic home at 3350 Plunkett Road on 42 acres by Treefort Properties, location denoted by a green star on the map above. The historic home is being proposed to be used as a special event venue and Bed n Breakfast.

Rezoning Request

The city is proposing to rezone the area from the Stonecrest Area Overlay, Tier 5 to the Arabia Mountain Conservation Overlay. The base zoning of R-100 would remain in place. To better understand what the implication of this rezoning would be, here are some basic facts about overlay districts in general and the two overlay districts in question.

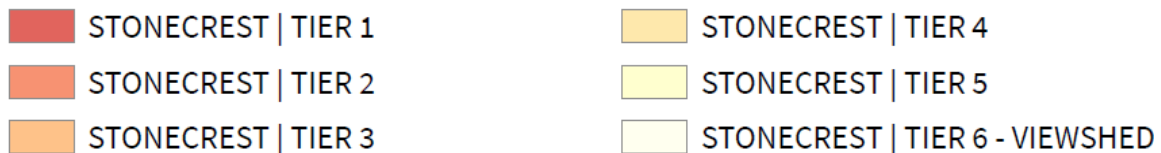
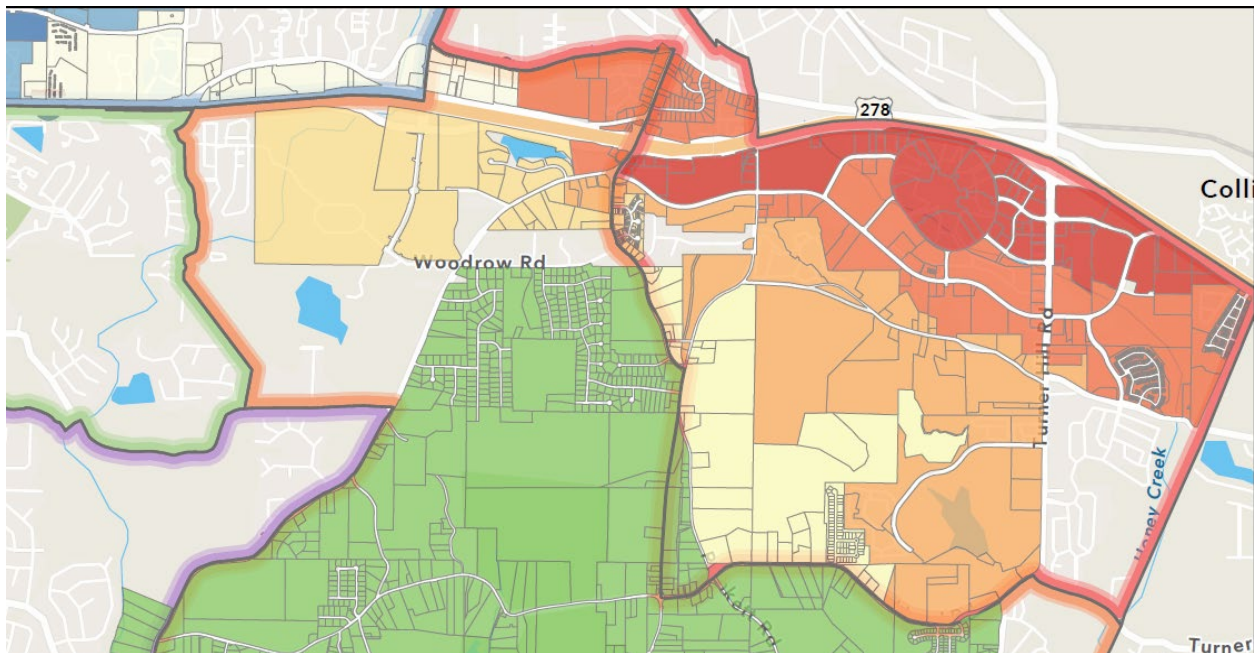


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- An overlay district is a zoning district which is applied over one or more previously established zoning districts (base zones), establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district. In this case the base zone is R-100.
- Communities often use overlay zones to protect special features, such as historic buildings, wetlands, steep slopes, and waterfronts. The Arabia Mountain Conservation Overlay is protective Overlay District. It is intended to preserve the natural resources of the Davidson-Arabia Mountain Nature Preserve, one of the city's major attractions and natural assets.
- Overlay zones can also be used to promote specific development projects, such as mixed-used developments, housing along transit corridors, or to impose design guidelines. The Stonecrest Area Overlay is a promotional Overlay District. It is intended to promote the economic growth in and around the city's largest commercial center.

Current Zoning – Stonecrest Area Overlay





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The Stonecrest Area Overlay is a promotional Overlay District:

- It is comprised of six tiers, Tier 5 can be found in Section 3.15.2 of the Zoning Ordinance
- Tier 5, Cluster Village Mixed-use Zone “primary intent is to encourage single-family detached residential developments with associated neighborhood commercial and office uses to serve the convenience needs of the local community in a village or cluster concept.” [Sub-section A.]
- “Tier 5 also seeks to preserve the rural and scenic beauty of the Arabia Mountain Preserve while providing flexibility to allow for creativity in site design and development.”
- **It does permit non-residential uses along Plunkett Road**, but restricts office and commercial uses fronting Klondike and Rockland roads. [Subsection E.4.]
- Imposes Design Guidelines to ensure that development is in keeping with look and character of the Mall area.

Permitted uses are governed by the base zoning, but also include the following:

1. Adult day care facility.
2. Bed and breakfast.
3. Child day care facility.
4. Assembly hall.
5. Cultural facility.
6. Detached single-family dwelling.
7. Office uses.
8. Personal care facility.
9. Place of worship.
10. Retail, excluding drive-through facilities, automobile service stations, commercial amusements, convenience store, liquor stores, package store, and recreation, indoor.
11. Office/medical.
12. Personal services establishment.

Though the Stonecrest Area Overlay allows many non-residential uses to be built by right in Tier 5, it does also include a list of **prohibited uses**:

1. Kennels.
2. Junkyard.
3. Tire retreading and recapping.
4. Sexually oriented businesses.
5. Go-cart concession.
6. Outdoor storage.
7. Automobile repair, major.
8. Hotel/motel.
9. Automobile sales.
10. Temporary outdoor sales.
11. Pawn shops.

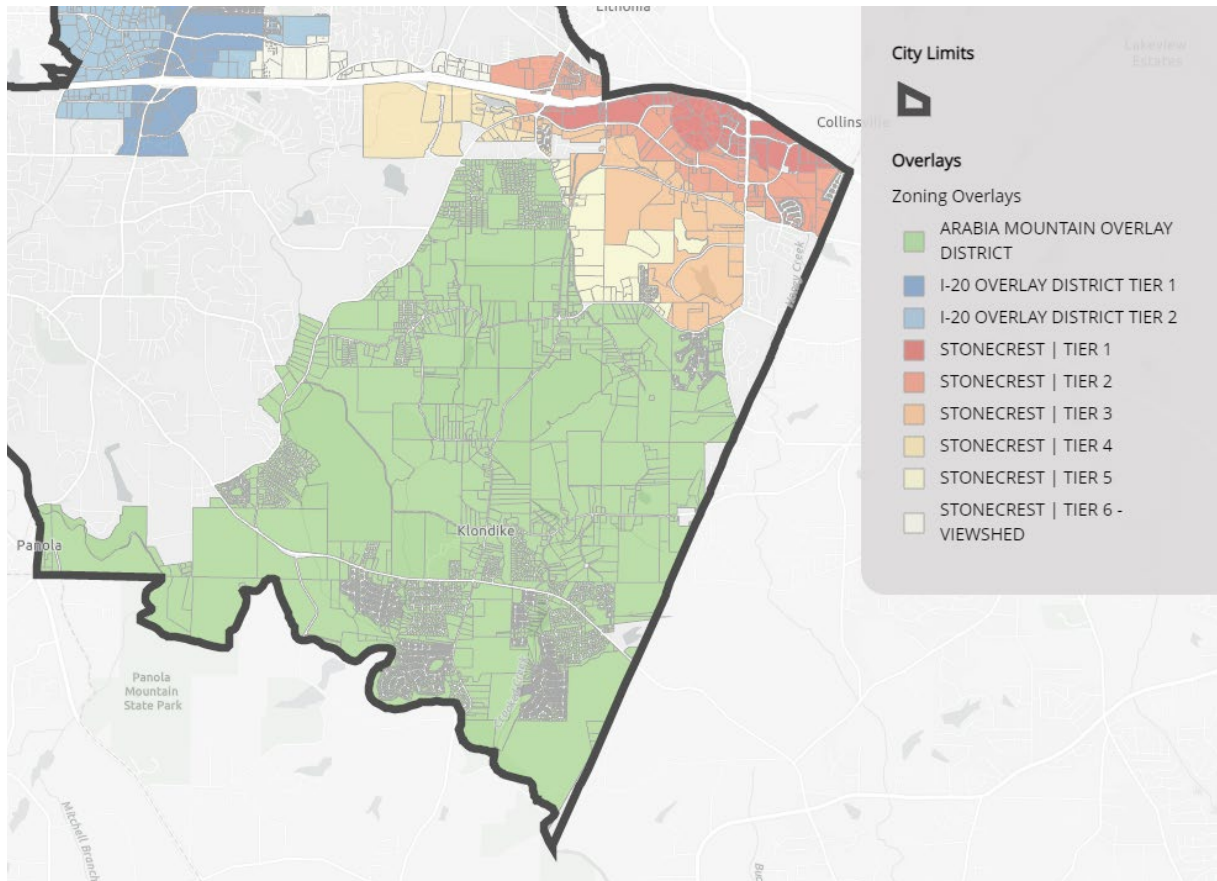


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12. Liquor stores.
13. Nightclubs.
14. Late-night establishments.
15. Car wash, self service.
16. Self-storage.
17. Funeral home.
18. Mortuary.
19. Crematorium.
20. Farm equipment and supplies sales establishment.
21. Multifamily dwelling unit.

Proposed Zoning – Arabia Mountain Conservation Overlay



The Arabia Mountain Conservation Overlay is the largest overlay district in the City, occupying approximately a third of the city area. It includes a number of design requirements above and beyond what a typical R-100 subdivision must adhere to. These requirements include:



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Sec. 3.4.7 Lot Coverage

- Net lot coverage shall not exceed 25%

Sec. 3.4.8 Clearing and grading of lots

- Clearing/grading shall be limited to 35% of net lot area

Sec. 3.4.9 Development Standards

- Prohibits Clear cutting of trees
- Minimum side yard setback shall be 10 feet
- 30% greenspace required
- Internal radius of cul-de-sac can be maximum of 35 feet; must have grass and vegetation for the inner circle of turn-arounds (Sec. 3.4.9 B.b)
- Required exterior boundary buffer (Sec. 3.4.9 C) of 50 feet

Like the Stonecrest Area Overlay, the Arabia Mountain Conservation Overlay also expressly includes a list of permitted uses regardless of the underlying zoning, which are:

1. Recreation, passive and nature preserve
2. Dog parks
3. Bed and breakfast homes
4. Outdoor Concert Halls
5. Urban Garden

The list of prohibited uses in the Arabia Mountain Conservation Overlay is longer than the Stonecrest Area Overlay, Tier 5 prohibited list, and includes the following:

1. Sexually-oriented businesses.
2. Drive-in Theater.
3. Fairground or Amusement Park.
4. Swimming pools as part of a commercial Recreation, Outdoor use or Recreation club; but not including swimming pools incidental to Open space, clubhouse or pool amenity.
5. Coliseum or stadium, except for outdoor Concert Halls.
6. Nightclub or late night establishment.
7. Outdoor storage, mini-warehouses, and storage buildings.
8. Pawn shops.
9. Mortuary or Crematorium.
10. Alcohol Outlets.
11. Salvage yards and junk yards.
12. Motel or Extended Stay Motel.
13. Shelter for homeless persons.



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14. Transitional housing facility.
15. Fuel Dealers, Fuel Pumps and Accessory Fuel Pumps.
16. Automobile and truck rental and leasing, Automobile brokerage, Automobile mall, Automobile recovery and storage, Automobile rental and leasing, Automobile repair and maintenance, major, Automobile repair and maintenance, minor, Automobile sales, Automobile service station, Automobile upholstery shop, Automobile wash/wax service, Recreational vehicle/boat sales and service, Freight service, Transportation equipment and storage or maintenance (vehicle), and Vehicle storage yard.
17. Commercial parking garage/structure; Commercial parking lots.
18. Convenience store.
19. Drive-through facilities.
20. Personal service establishments.
21. Check cashing facility.
22. Heavy equipment storage.
23. Truck stops.
24. Warehouses.
25. Solid waste disposal, Private industry solid waste disposal facility.
26. Bus station or terminal.
27. Ambulance service facility, Private ambulance service, Dispatch office.

Comparison between the two overlay districts

Bringing the subject area into the Arabia Mountain Conservation Overlay would protect Plunkett Road from commercial development and help preserve the tree canopy of the area. The basic question should the area be promoted for future development in line with the goals of the Stonecrest Area Overlay, or be protected from future commercial encroachment more inline with the character of the areas to the west and south?

Public Participation

Property owners within 100 feet of subject property were mailed notices of the proposed rezoning, and the rezoning was presented at a Community Planning Information Meeting on September 20, 2021 at 6 PM via Zoom.com. The meeting was well attended, and the general consensus of the group was in favor of the rezoning.

STANDARDS OF REZONING REVIEW

Section 7.3.4 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Planning and Zoning Department and Planning Commission. Each element is listed with staff analysis.



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

The subject property is located within three character areas on the Future Land Use Map of the Stonecrest Comprehensive Plan: Conservation/Open Space, Suburban Neighborhood, and Rural Residential.

- The intent of the **Conservation and Open Space** Character Area is to preserve areas in the city with significant natural and ecological features, as well as environmentally sensitive recreational facilities for public enjoyment. These areas consist of undeveloped natural lands, environmentally sensitive and conservation areas that are not suitable for development. It also includes land used for active recreational purposes that provide for a wide range of activities with some land designated for cultural and historic preservation.
- The intent of the **Suburban Neighborhood** character area is to recognize those areas of the city that have developed in traditional suburban land use patterns while encouraging new development to have increased connectivity and accessibility. These areas include those developed (built out) and those under development pressures. Those areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings and curvilinear street patterns. The proposed density for areas of this type is up to 8 dwelling units per acre.
- The purpose of the **Rural Residential** Character Area is to provide for areas that are suitable for low-density housing with densities of up to four (4) dwelling units per acre. Single-family detached housing is the most appropriate type of development for this district. Stable Low-Density Residential Districts should be protected from encroachment of higher density or high intensity uses.

The proposed rezoning would be in compliance with the purpose and intent of each of these character areas and would be in conformity with the overall goals of the comprehensive plan.

B. 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.

As shown in the table below, the subject property is primarily surrounded by properties zoned for single family residential, the only difference being the overlay districts.



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Adjacent & Surrounding Properties	Zoning (Petition Number)	Overlay District
Subject Property	R-100 (Residential Med Lot) District	Stonecrest Area, Tier 5
Adjacent: North	R-100 and MR-1 (Residential Med Lot) Districts	Stonecrest Area, Tier 3
Adjacent: West	R-100 (Residential Med Lot) District	Arabia Mountain Conservation, Stonecrest Area, Tiers 3 and 5
Adjacent: East	R-100 (Residential Med Lot) District	Stonecrest Area, Tiers 3 and 5
Adjacent: South	R-100 (Residential Med Lot) District	Arabia Mountain Conservation

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The rezoning would allow a medium density development that is consistent with the adjacent R-100 and MR-1 zoning, but also built to a higher conservation standard consistent with the intent of the Arabia Mountain Conservation Overlay District.

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

The property is currently zoned R-100 and will remain so, which permits single family detached homes. The change in overlay districts would just impose stricter conservation standards than those currently allowed. The property does have reasonable economic use as currently zoned.

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

The proposed zoning proposal is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties, but rather preserve overall character of the area and its natural resources, and promote quality development.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are no changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.



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

There are currently no historic buildings, sites, districts, or archaeological resources registered on the subject property on the subject property. However, as described earlier 3350 Plunkett Road does contain an old farm house, built in late 19th Century that is being renovated. This rezoning would help preserve the historic context of the site it sits on.

G. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

This rezoning will not impact existing streets, transportation facilities, utilities or schools.

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

The zoning proposal will help preserve the environment or surrounding natural resources, and will have no adverse impact on these resources.

RECOMMENDATION

Staff and Planning Commission recommends unconditional **APPROVAL** of **RZ-21-007**.