



PLANNING COMMISSION

Planning Commission October 4, 2022 / Mayor and City Council Meeting November 28, 2022

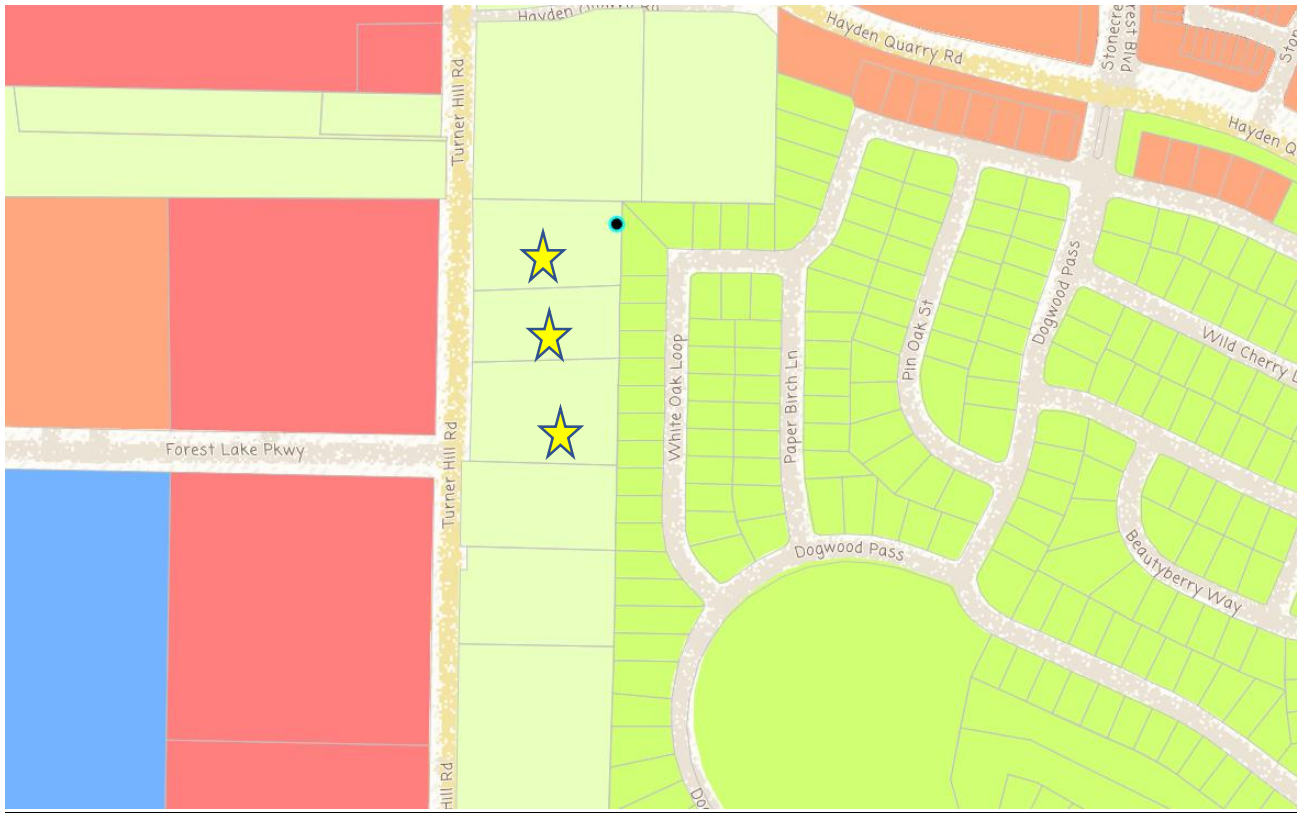
GENERAL INFORMATION

Petition Number:	RZ-22-007
Applicant:	AG Investments Holdings, LLC c/o Dennis J. Webb Jr., Smith, Gambrell & Russell, LLP
Owner:	Ivey Family Trust (Justin Ivey)
Project Location:	3310, 3320, and 3330 Turner Hill Road
Parcel:	16-181-07-039, 16-181-07-038, 16-181-07-037
District:	District 1
Acreage:	4.826 +/- acres
Existing Zoning:	R-100 (Residential Medium Lot) Stonecrest Overlay Tier 2
Proposed Zoning:	C-1 (Local Commercial)
Comprehensive Plan Community: Area Designation	UN (Urban Neighborhood)
Proposed Development/Request:	The applicant is requesting to rezone the subject properties from R-100, to C-1 to allow for a development of a neighborhood shopping center.
Staff Recommendations:	<i>Denial</i>
Planning Commission	Denial
City Council	Deferred to November 28 th on October 24, 2022



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Zoning Map



Zoning Case: RZ-22-007

Address: 3310, 3320, 3330 Turner Hill Road.

Current Zoning: R-100 (Residential Small Lot)

Proposed Zoning: C-1 (Local Commercial)



Subject Property



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Aerial Map



PROJECT OVERVIEW



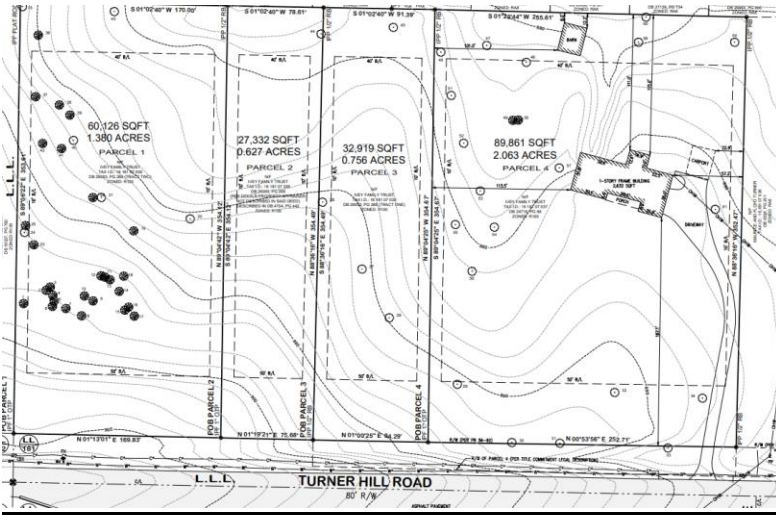
Location

The subject properties are located 3310, 3320, and 3330 Turner Hill Road (Parcel IDs: 16-181-07-039, 16-181-07-038, 16-181-07-037). The Subject Property collectively consists of a ±4.826 acres located in Land Lots 181, 16th District, City of Stonecrest, DeKalb County, Georgia (“Subject Property”).

The property is bounded by Hayden Quarry Road and Forest Lake Parkway.



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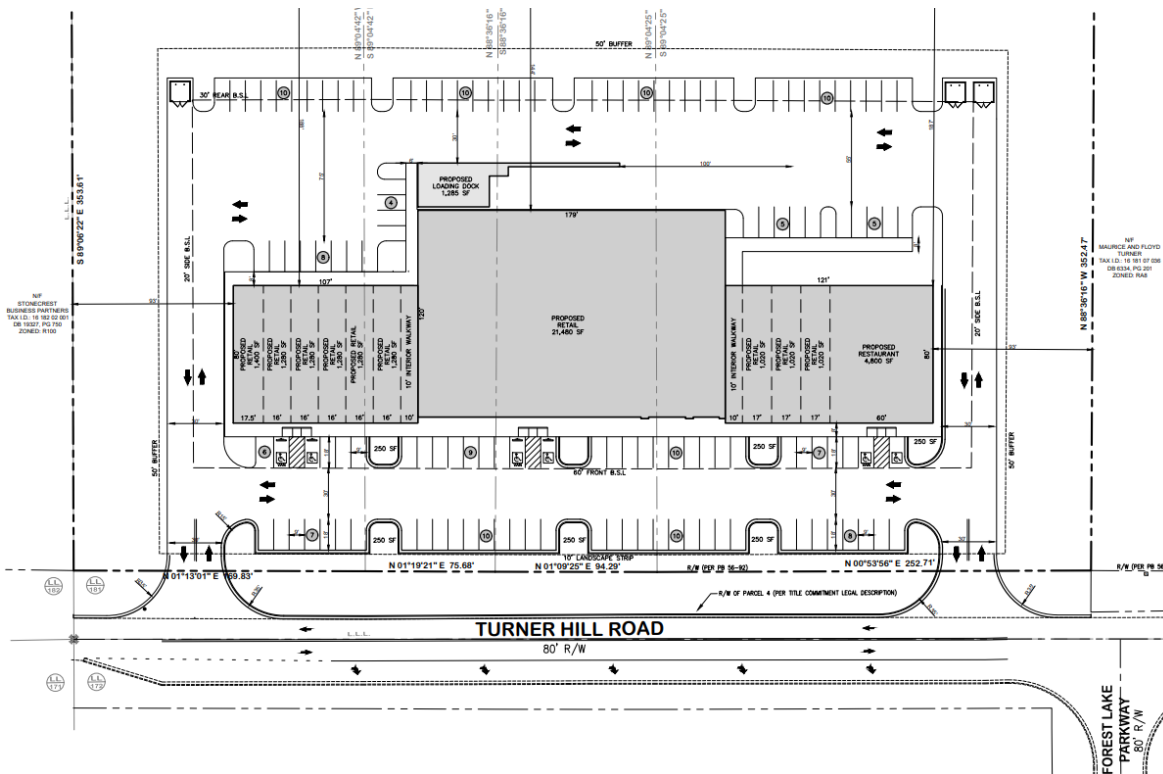
Rezoning Request

Background:

The applicant is seeking to rezone the subject property from R-100 to C-1 to allow for a shopping center that will consist of a grocery store, restaurant and retail stores. The site plan reflects 9 retail stores ranging from 1020 sf to 1400 sf. There will be a 4000 sf restaurant and a 21,480 sf retail store (grocery store). Public parking will be located in the front and rear of the subject property. There will be two ingress and egress access points from Turner Hill Road. The subject property is currently developed with a vacant single family residence and several accessory structures (a bard and sheds). The property is located south of Stonecrest Mall and is characterized by a mix of multi-family and single family residential dwellings. There is a row of R-100 zoned properties along this stretch of Turner Hill Road. Further to the east, across Turner Hill Road, is a property zoned C-1 containing the Wesley Stonecrest apartments. To the east, the property in question abuts several lots within the Parks of Stonecrest subdivision, all zoned RSM (Residential Small Lot) and developed with single family detached homes. North of the subject property, an undeveloped property is zoned R-100 and to the South, is an R-100 zoned property containing a single family residence.



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Public Participation

Community Planning Information Meeting was on September 13, 2022. There was no surrounding property owner to speak in opposition of the rezoning petition, but there were several inquiries and comments regarding security, lighting, and noise ordinance.

STANDARDS OF REZONING REVIEW



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ADJACENT ZONING AND LAND USE		
	Zoning	Zoning Land Use
Adjacent: North	R-100	Single family residential
Adjacent: East	RSM (Residential Small Lot)	Parks of Stonecrest subdivision
Adjacent: South	R-100	Single family residential
Adjacent: West	C-1 (Local Commercial), MR-1 (Medium Density Residential)	Wesley Stonecrest Apartments,

Zoning Criteria, Staff's Analysis and Comments

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 Community Development Department and Planning Commission. Each element is listed with staff analysis.

- **Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.**

As shown in the table above, the subject property is surrounded by commercial and residential development.

- **Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.**



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The existing land use is residential and could potentially affect the existing use or usability of adjacent of nearby property or properties. The current zoning of the property is the recommended zoning classification for the proposed land use and would be like adjacent properties.

- **Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The subject property is south of Stonecrest Mall and adjacent to other retail and commercial businesses. There will be added ingress and egress to Turner Hill Road. Due to a traffic study was not evaluated in this process, staff does not have clear data if transportation facilities, utilities and nearby schools will be impacted.

- **Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.**

The proposed use of a commercial development is in accordance with the written policies in the Stonecrest comprehensive plan. The land use designation for the subject properties is Urban Neighborhood. The intent of the Urban Neighborhood future land use designation is to allow for townhomes, multi-family, neighborhood rentals, small scale retail and commercial development. Although the proposed rezoning is in compliance with the Stonecrest comprehensive plan, it is considered a spot rezoning and it is proposing to introduce a large scale retail development.

- **Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines.**

There are no potential impacts on the subject property or properties. The subject property is over 2000 ft away from unincorporated DeKalb County. The adjoining governmental jurisdiction will not be affected by the proposed change.

- **Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.**

There are no known existing conditions affecting the use and development of the shopping center development. The applicant is seeking this rezoning to allow for neighborhood shopping center consisting of retail stores, restaurant and grocery store.

- **Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.**

There are currently no historic buildings, sites, districts, or archaeological resources on the subject property, therefore there will be no impact on historic buildings.



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STANDARDS OF REZONING REVIEW

Section 7.3.5 of the Stonecrest Zoning Ordinance list eight factors to be considered in a technical review of a zoning case completed by the Community Development Department and Planning Commission. Each element is listed with staff analysis.

- **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. The Proposed Development will complement the existing commercial development in the area. Additionally, the Applicant's request will not result in a different use than what is allowed in the comprehensive plan; however, the applicant is seeking to spot rezone and is seeking to introduce a large scale retail development to an area that is mostly residential in nature with small scale retail.

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

The subject property is located within the Urban Neighborhood character area of the Stonecrest Comprehensive Plan. The character area intends to lend to commercial and residential development. The proposed zoning change and development of neighborhood shopping center would be in keeping with the policy and intent of the comprehensive plan.

- **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, which permits the development of a single family residential dwelling. The property does have reasonable economic use as currently zoned.

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

The proposed zoning proposal could have a negative impact on the existing use or usability of adjacent or nearby properties. The proposed development may introduce more large scale retail development to the area. The intent of the Urban Neighborhood character area is to preserve the style and appeal of older compact pedestrian-friendly neighborhoods and communities. The characteristics include higher pedestrian orientation, sidewalks and more grid-like street patterns. This will include on-street parking, small and regular lots and buildings closer to the front property line. There shall be neighborhood-scale commercial scattered throughout.

- **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 known existing conditions or changing conditions affecting the use and development of the subject property. The current zoning is the same proposed zoning classification.



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- **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 on the subject property.

- **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.**

The zoning proposed is not expected to cause excessive burdensome use of existing streets, transportation facilities, utilities or schools.

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

The zoning proposal will not adversely impact the environment or surrounding natural resources.

STAFF RECOMMENDATION

Staff recommends **Denial** of RZ-22-007.