



## PLANNING COMMISSION

Planning Commission October 4, 2022 / Mayor and City Council Meeting October 24, 2022

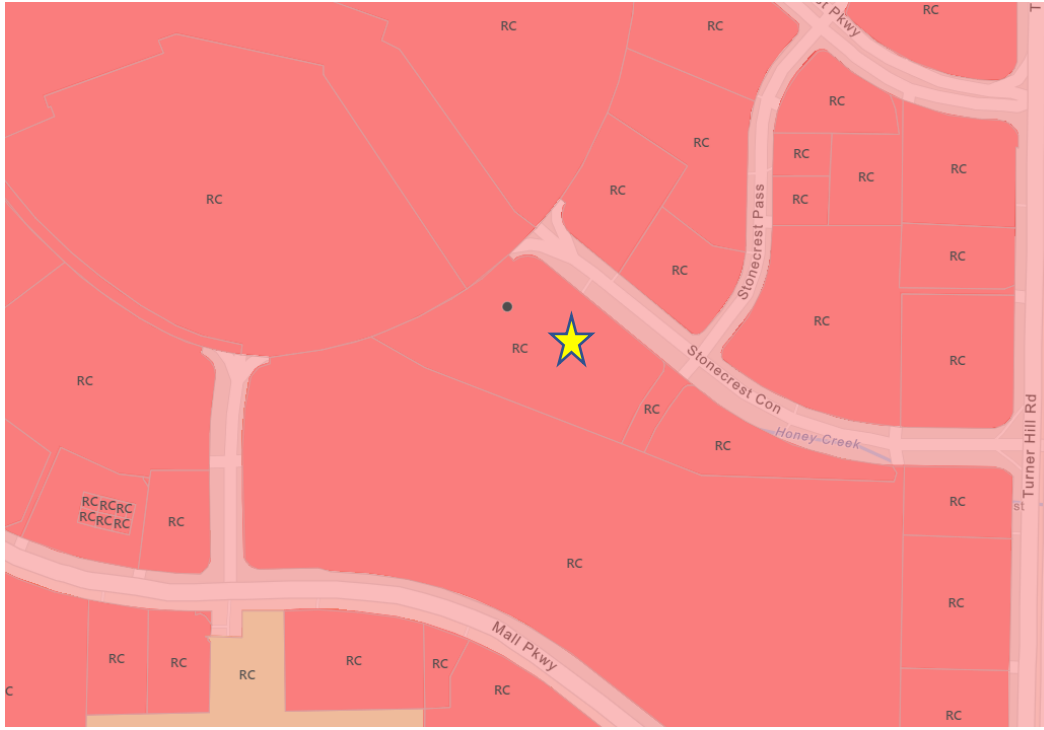
---

### GENERAL INFORMATION

<b>Petition Number:</b>	RZ-22-004
<b>Applicant:</b>	Calvin Chan
<b>Owner:</b>	Stonecrest Investments, LLC.
<b>Project Location:</b>	7301 Stonecrest Concourse
<b>Parcel:</b>	16-170-01-028
<b>District:</b>	District 1
<b>Acreage:</b>	4.2 +/- acres
<b>Existing Zoning:</b>	C-1(Local Commercial) Stonecrest Overlay Tier 2
<b>Proposed Zoning:</b>	C-1 (Local Commercial) Stonecrest Overlay Tier 1
<b>Comprehensive Plan Community: Area Designation</b>	RC (Regional Center)
<b>Proposed Development/Request:</b>	The applicant is requesting to rezone the subject properties from C-1, Stonecrest Overlay Tier 2 to C-1 Stonecrest
<b>Staff Recommendations:</b>	<i>Approval/Conditional</i>
<b>Planning Commission</b>	Approval/Conditional with amended conditions
<b>City Council</b>	N/A



**PLANNING COMMISSION**  
**Zoning Map**



**Zoning Case: RZ-22-004**

**Address: 7301 Stonecrest Concourse.**

**Current Zoning: C-1 (Local Commercial) Stonecrest Overlay Tier 2**

**Proposed Zoning: C-1 (Local Commercial) Stonecrest Overlay Tier 1**



**Subject Property**

**Aerial Map**



## PLANNING COMMISSION



### PROJECT OVERVIEW



**Subject Property**

#### **Location**

The subject properties are located 7301 Stonecrest Concourse (Parcel ID: 16-170-01-). The Subject Property consists of a ±4.2-acres located in Land Lots 170, 16th District, City of Stonecrest, DeKalb County, Georgia ("Subject Property").

The property is bounded by Mall Ring Road to the west, by Stonecrest Parkway to the north and Mall Parkway to the south, and Turner Hill Road to the east.



## PLANNING COMMISSION



### **Rezoning Request**

#### **Background:**

The applicant is requesting to rezone 4.2 +/- acres of the subject property located 7301 Stonecrest Concourse from C-1 (Local Commercial), Stonecrest Overlay Tier 2 District to C-1 (Local Commercial), Stonecrest Overlay Tier 1 District to allow for a late-night establishment. The subject property consists of an existing commercial business complex of several businesses totaling ±186,219 square feet, parking, and commercial use. The Applicant intends to rezone all parcels comprising the subject to the Stonecrest Tier 1 Overlay which allows for a late-night establishment; whereas late-night establishment is prohibited in Tier 1 of the Stonecrest Overlay. The subject property has no zoning history related.

#### **Stonecrest Overlay Tier 2 (Section 3.5.14.B- Mid-rise Mixed-Use Zone)**

17. Commercial parking lots.
  18. Automobile wash/wax service.
  19. Late-night establishments.
  20. Nightclubs.
  21. Check cashing facility.
  22. Automobile emission testing facilities.
-



## PLANNING COMMISSION

### **Stonecrest Overlay Tier 1 (Section 3.5.13.A- High-rise Mixed-Use Zone)**

A. *Permitted principal uses and structures.* The principal uses of land and structures allowed in the Tier I: High-Rise Mixed-Use Zone of the Stonecrest Area Overlay District are as provided below:

1. All uses authorized in the C-1 and C-2 (General Commercial) District, O-I (Office Institutional) District, O-D (Office-Distribution) District, and HR-2 (High Density Residential) District except those listed in B., below.
- 

The subject property is designated as Regional Center according to the City of Stonecrest Comprehensive Plan. The intent for Regional Center is to allow for townhomes, condominiums, apartments, local retail and commercial, office, park and recreation, entertainment and cultural, institutional, civic, technology centers and healthcare.





## PLANNING COMMISSION



### **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.



## PLANNING COMMISSION

### STANDARDS OF REZONING REVIEW

ADJACENT ZONING AND LAND USE		
	Zoning	Zoning Land Use
Adjacent: North	C-1 (Local Commercial) and M (Light Industrial)	Vybez Restaurant & Lounge, Arizona's
Adjacent: East	C-1 (Local Commercial)	Stonecrest Mall, Various dealerships
Adjacent: South	M (Light Industrial) District	DSW, Ross, Marshall's, various retail stores
Adjacent: West	C-1 (Local Commercial)	Chick-fil-A, McDonald's, Rooms To Go, etc.

### 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 development.



## PLANNING COMMISSION

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

The existing land use is commercial and will not adversely affect the existing use or usability of adjacent or nearby property or properties. The current zoning of the property is the recommended zoning classification for the proposed land use and would be similar to 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 adjacent to the Stonecrest Mall and other retail and commercial businesses. There will be no change to the ingress and egress as the existing streets, transportation facilities, utilities and nearby schools will remain the same.

- **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 late-night establishment is in accordance with the written policies in the Stonecrest comprehensive plan. The land use designation for the subject properties is RC, Regional Center. The intent of the Regional Center is to allow for townhomes, condominiums, apartments, local retail and commercial, office, park and recreation, entertainment and cultural, institutional, civic, technology centers and healthcare. The proposed use is in compliance with the comprehensive plan's intent.

- **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 existing conditions affecting the use and development of the proposed late-night establishment. The applicant is seeking this rezoning to allow for extended hours of entertainment and night life for the residents of Stonecrest.

- **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.





## PLANNING COMMISSION

### **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 under the current zoning, rather to seek a uniform zoning and to make technical changes to the existing use. Also, there is no proposed change in building or parking. As a result, the requested land use modification will have no bearing on the use and development of adjacent properties and will be a positive improvement in late-night entertainment for those that are 21 and older.

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

The subject property is located within the Regional Center character area of the Stonecrest Comprehensive Plan. The character area intends to lend to commercial and mixed-use development. The proposed zoning change and development of late-night establishment 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 C-1, which permits the development of a commercial use such as retail. 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 is not anticipated to have a negative impact on the existing use or usability of adjacent or nearby properties.

- **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.



### **PLANNING COMMISSION**

- **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 would not cause excessive burdensome.

- **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 **APPROVAL/CONDITIONS** of RZ-22-004. The conditions are the following:

1. There shall be only one Late-night establishment shall be limited to the subject property only.
2. All lights shall be of concealed source type so that the illumination therefrom shall be controlled in a particular direction away from traffic driving south of Mall Ring Road or east-west along Stonecrest Concourse
3. There shall be Georgia certified post trained officers on site
4. The lighting of the parking lot shall be lit to the same standards of hotel and motels.
5. There shall be no parking along in a public right-of-way
6. There shall be no smoking-lounge or
7. Late-night establishment shall not be permitted to be used as an outdoor special event