



PLANNING & ZONING STAFF REPORT

MEETING DATE: January 24, 2022

GENERAL INFORMATION

Petition Number: TMOD-21-013

Applicant: Stonecrest Planning and Zoning Department

Project Location: City-Wide

Proposed amendment: Amendment to Stonecrest Zoning Ordinance, Chapter 27, to mitigate the potential land use conflicts between residential and industrial land uses.

FACTS AND ISSUES:

- The city council has already adopted two text amendments that help to mitigate the potential impacts between residential and industrial land uses, in particular TMOD-21-010 and TMOD-21-011.
 - TMOD-21-010 placed prohibitions on certain heavy industrial activities in the city and removed residential land uses from industrial zones on the permitted land use table
 - TMOD-21-011 which revised the intent and purpose of the industrial zoning districts to discourage the conversion of industrial buildings to residential uses.
- This text modification offers several additional measures which are being presented in three parts:
 1. Modification of the authorized uses in the Stonecrest Area Overlay, Tier 3 by removing those uses allowed in the M district from being permitted to develop there. Note that there are no industrial uses in Tier 3 currently.
 2. Zoning reversion of parcels from residential to industrial that were originally rezoned from industrial to residential by DeKalb County many years ago and which are no longer used for residential purposes.



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3. Requiring a Special Land Use permit for properties being rezoned for residential uses adjacent to industrial zoned properties where adequate transitional buffers are not in place.

Staff is recommending that the Planning Commission recommend approval of all three parts to the City Council, but by presenting this different tools in such a manner Planning Commission may election to different actions on each part.

Part 1. Modification of Stonecrest Area Overlay, Tier 3 authorized use list.

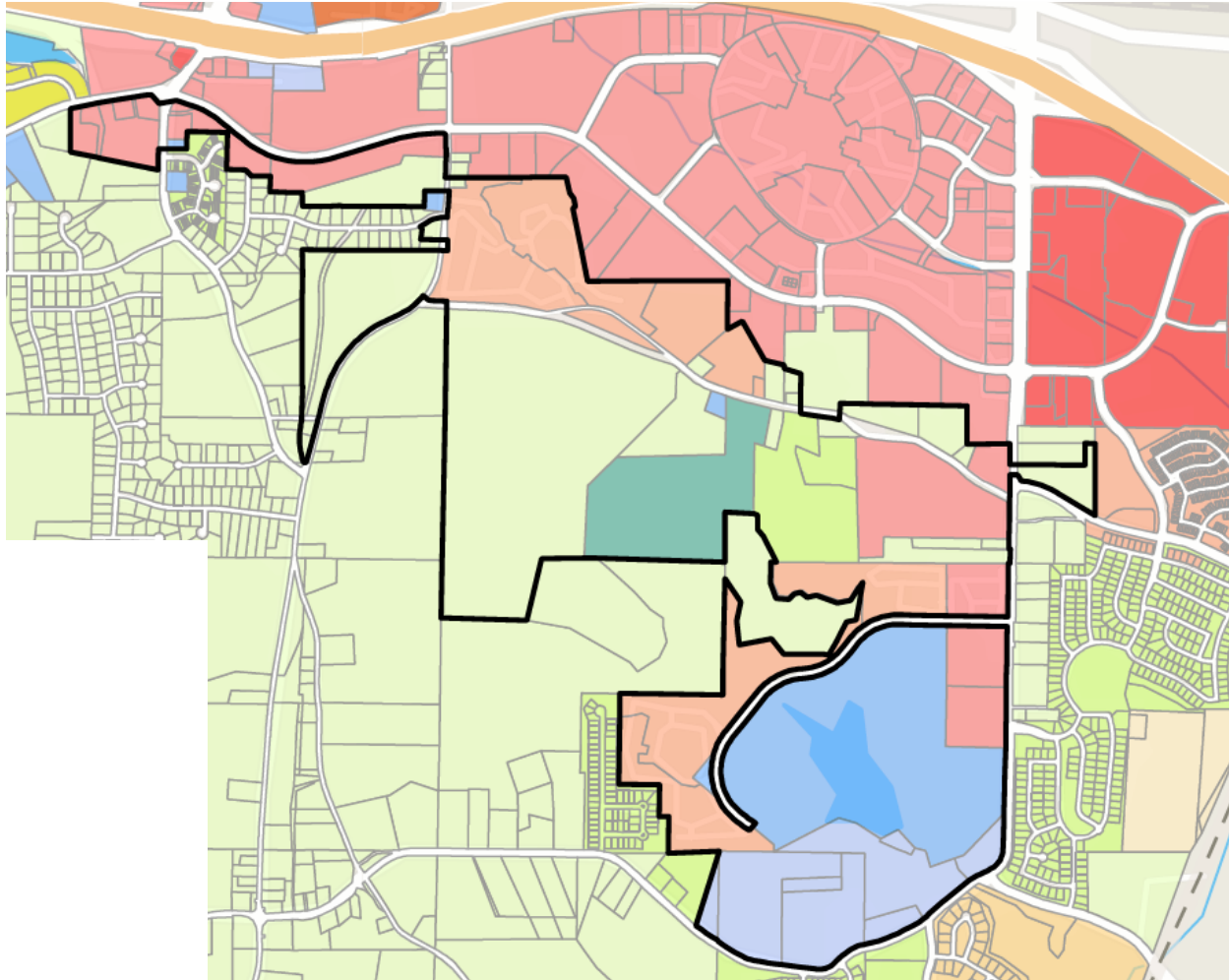
Proposal: Remove light industrial zoning (M) from the list of authorized uses in Tier 3 of the Stonecrest Area Overlay.

Reasons for proposal:

- One potential source of potential conflicts between residential and industrial uses is the permitted use list for Tier 3 of the Stonecrest Area Overlay. Tier 3 is the Low Rise Mixed Use Zone for which Sub-section 3.5.15.A. authorizes all uses allowed in the M – light industrial district to be developed by right, along with all uses allowed in C-1, C-2, O-I, OD, and MR-2, see Section.
- MR-2, Medium Density Residential District, in particular, allows a variety of residential uses, including single family homes, multi-family homes, and townhouses. And several such residential development have been built or proposed under this authorization.
- No industrial uses have yet to be built in Tier 3, despite the allowance to do so, but certainly could, which could cause potential land use conflict due to noise, truck traffic, and emissions. See underlying zoning map for Tier 3 on the following page.

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Stonecrest Area Overlay, Tier 3 and underlying zoning



- | | |
|--|---|
| C-1 - Local Commercial | R-100 - Residential Med Lot |
| C-2 - General Commercial | R-85 - Residential Med Lot |
| OIT - Office/Institutional/Transitional | R-60 - Residential Small Lot |
| OI - Office/Institutional | RSM - Small Lot Residential |
| OD - Office/Distribution | MR-1 - Med Density Residential |
| MU-4 - Mixed-Use High Density | MR-2 - Med Density Residential |



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- The general Overlay Regulations contained in Sec. 3.1.1. also allows any use permitted in the underlying zoning to be built as long as they are not listed as a prohibited use in the Overlay. As the underlying zoning map for Tier 3 shows there are four zoning districts currently within Tier which are not on the authorized district list just described in Sub-section 3.5.15.A. The underlying but non-authorized zoning districts include MR-1, MU-4, RSM, and R-100. It should be noted that no parcels are currently zoned M in Tier 3.

PART 1 RECOMMENDED TEXT CHANGES: To remove the potential for a land use conflict between residential and industrial land uses. Revise Section 3.5.15 – Low rise mixed use zone (Tier III) of the Stonecrest Area Overlay as shown below in track changes.

Sec. 3.5.15. - Low-rise mixed-use zone (Tier III).

A. Permitted uses and structures. The principal uses of land and structures allowed in the Tier III: Low-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, ~~M (Light Industrial) District~~, and MR-2 (Medium Density Residential) District except those listed in B., below.

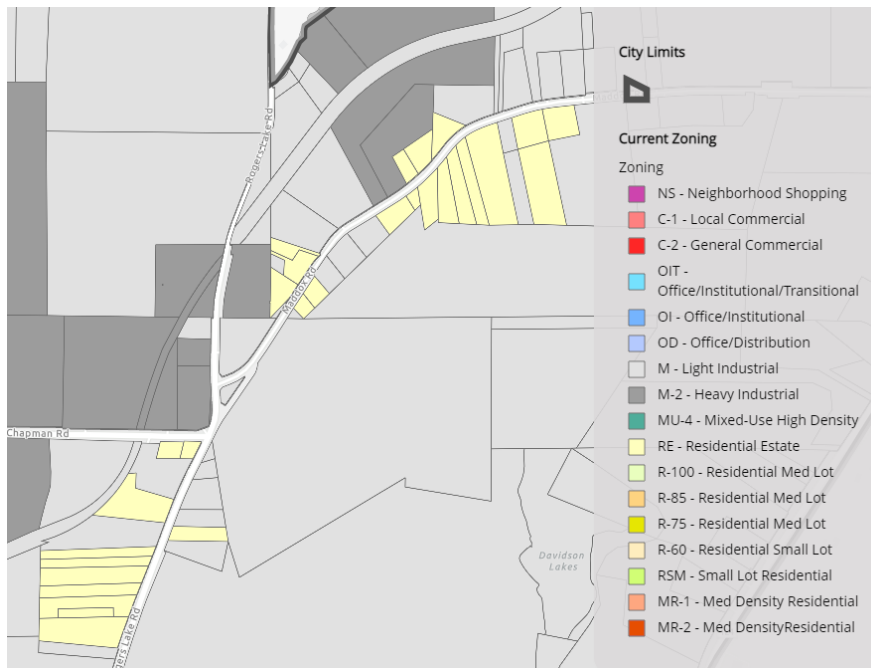
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Part 2. Reversion of previously zoned industrial property.

Proposal: Add new section providing that residential parcels which have not been used as residences for twelve months, or which have been used for industrial purposes for twelve months, are deemed to have reverted to industrial zoning if they formerly were rezoned to residential from industrial.

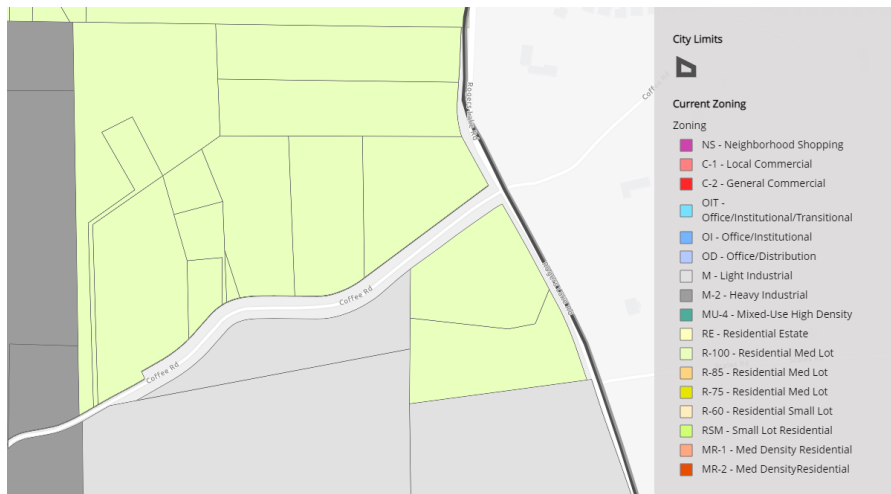
Reason for proposal: There are several parcels along Maddox Road, Rogers Lake Road and Coffee Road which were spot-zoned from the M (Light Industrial) District to residential in 1979, despite opposition from County planning staff due to questions about their future viability as residential. Those questions were well-founded. The properties remain surrounded by or near Light Industrially zoned properties. The rezoning to residential for many of this parcels has failed, either because houses on them are now derelict and abandoned or because the properties are being illegally used for industrial purposes.

Zoning Map of the Maddox Road-Rodgers Lake Area



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Zoning Map of the Coffe Road Area



PART 2 RECOMMENDED TEXT CHANGES:

[NEW]

Sec. 1.1.17. – Reversion of parcels which were rezoned from industrial to residential.

Any parcel which was rezoned by DeKalb County prior to incorporation from industrial to residential at the request of the owner, and is subsequently vacant for twelve months or is partly or entirely used for industrial purposes for twelve months shall be deemed to have reverted to the prior industrial zoning. Upon determining that a reversion has taken place, the planning director shall notify the property owner and shall begin a city-initiated rezoning of the property back to industrial for Planning Commission recommendation and City Council action.

Part 3. SLUP requirement for residential development adjacent to industrial zones.

Proposal: Add new section requiring a Special Land Use Permit for new residential development adjoining to industrial.

Reason for Proposal: Locating new residential adjoining to industrial land creates potential conflicts. Moreover, there currently is no public hearing process for the adjoining industrial owner to be notified of the proposed residential development; to be apprised of the plans for the development; and to obtain a public hearing on the merits of the residential development and the potential negative impact on the industrial property and the public welfare. Imposing a SLUP requirement on residential development will require a full, public staff analysis and a full public hearing before City Council, with an opportunity for members of the Stonecrest Community and the adjoining industrial owners to be heard.



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PART 3 RECOMMENDED TEXT CHANGES:

[NEW]

Sec. 4.2.70. – Special land use permit required for residential development adjoining to industrial.

A special land use permit shall be required for any proposed residential development or construction which is adjoining to industrially zoned parcel(s), unless one or more of the following criteria are met:

- A. A one hundred fifty (150) foot undisturbed transitional buffer zone exists or will be observed along the adjoining property line. The buffer zone may be within the residential parcel, the industrial parcel, or both.
- B. The industrial parcel is separated from the residentially zoned parcel by a stream buffer.
- C. The residential parcel is protected by conditions of zoning which were previously imposed on the industrial parcel for the purpose of protecting residential parcels.
- D. The residential parcel was rezoned from industrial to residential at the request of a present or former property owner and conditions of rezoning were imposed on the residential parcel for the purpose of protecting the residential parcel.

STAFF RECOMMENDATION: Recommend Approval of all three parts of TMOD -21-013 to the City Council.

PLANNING COMMISSION RECOMMENDATION: Recommended Deferral to the next 30-day cycle in order to give the Director and City Council the chance to investigate the matter further.