



**PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT**

RZ-19-010/SLUP-19-009

**Planning Commission February 4<sup>th</sup>, 2020 / Mayor and City Council Meeting February 24<sup>th</sup>, 2020**

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**GENERAL INFORMATION**

**Petition Number:** RZ-19-010 / SLUP-19-009

**Applicant:** Brownsmill Enterprises c/o Battle Law

**Owner:** Macie Turner

**Project Location:** 3332 Turner Hill Road

**District:** District 1

**Acreage:** 1.66 acres

**Existing Zoning:** R-100 (Residential Med Lot) District

**Proposed Zoning:** Neighborhood Shopping District

**Comprehensive Plan Community:  
Area Designation** Urban Neighborhood

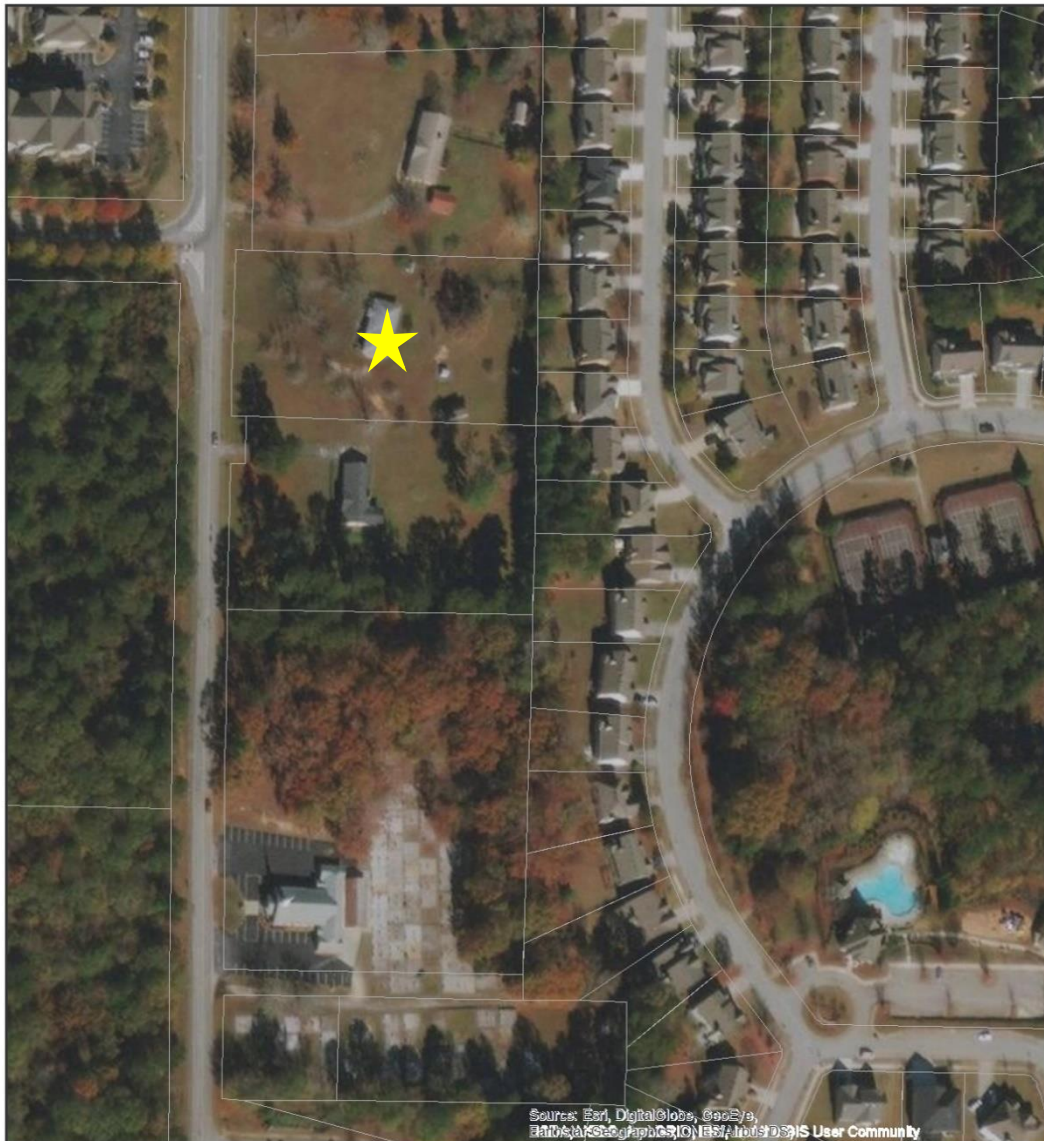
**Proposed Development/Request:** The applicant is requesting to rezone the subject properties from R-100 to NS (Neighborhood Shopping) and Special Land Use permit for the development of 16,000 square foot retail center with convenience store with the accessory fuel pump and alcohol outlet.

**Staff Recommendations:** **Approval with Conditions RZ-19-010 and DENIAL of SLUP-19-009**

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Aerial Map



ZONING CASE: **RZ-19-010 /SLUP-19-009**

ADDRESS: **3332 Turner Hill Road**

CURRENT ZONING: **R-100 (Residential Med Lot) District**

FUTURE LAND USE: **Urban Neighborhood**



**Subject Property**

0 0.025 0.05 mi

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Zoning Map



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### PROJECT OVERVIEW

#### **Location**

The subject property is located at 3332 Turner Hill Road. The property is approximately 2,644 feet south of Turner Hill Road and Mall Parkway intersection.

The property is bounded by Turner Hill Road to the west, by an undeveloped parcel to the north, an undeveloped parcel to the south and residential subdivision (Parks of Stonecrest) to the east.

The property is within approximately 300 feet of the property line of the Turner Hill Baptist Church. The applicant will have to submit an legal survey to the city before an alcohol license is issued showing it meets the minimum distance required by the Alcohol ordinance.



#### **Background**

Currently, the property has kept its original zoning classification of R-100 under Stonecrest Zoning Ordinance but original was in the Stonecrest Tier IV Overlay. The property was removed during the November 25<sup>th</sup> City Council Meeting.

The property the has an existing detached single-family home located on the property. The topography of the property is characterized as being even throughout.



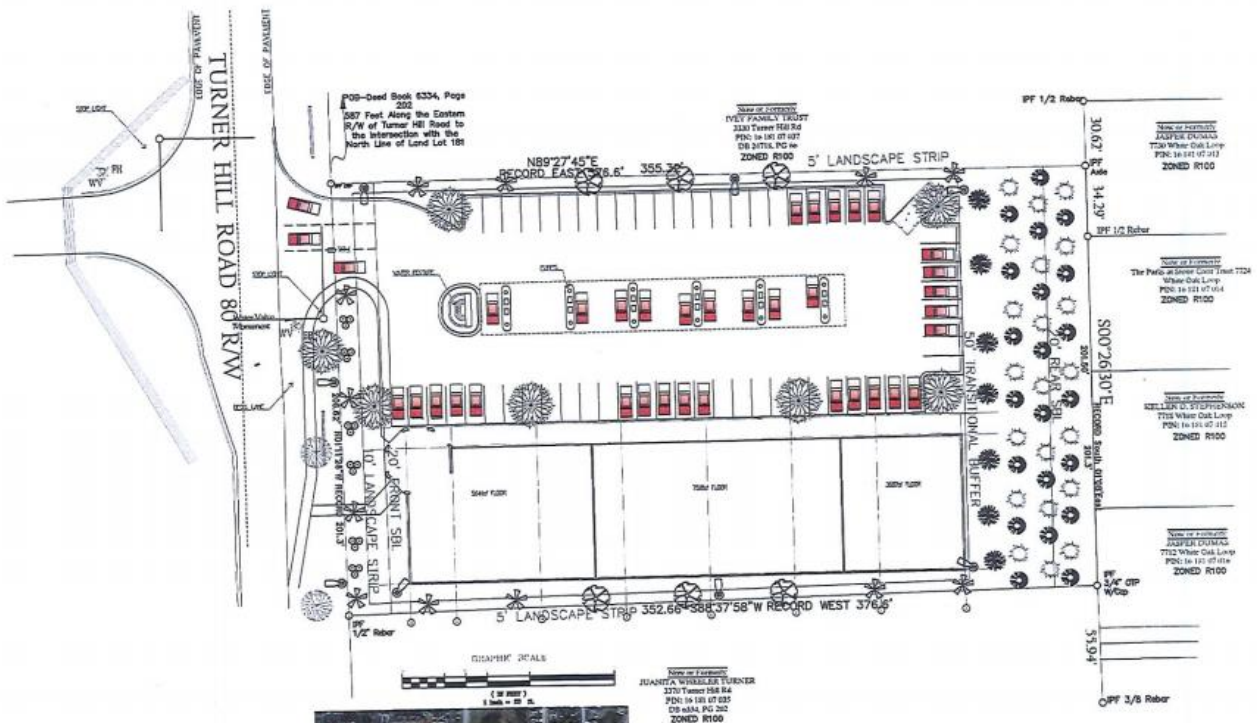
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**Rezoning Request**

The applicant is requesting to rezone the subject property from R-100 to NS (Neighborhood Shopping) District for the development of a 16,000 square foot retail center. The retail center will include a convenience store with accessory fuel pumps and alcohol outlet for beer and wine sales. The applicant has submitted a second application (SLUP) for the convenience store with accessory fuel pumps and alcohol outlet sales for beer and wine.

**Conceptual Site Plan**



**Received**  
NOV 05 2019  
City of Stonecrest, Georgia  
Planning & Zoning Department



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Proposed Elevations

NOV 05 2019  
City of Stonecrest, Georgia  
Planning & Zoning Department



Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning in January. The community meeting was held on January 22<sup>nd</sup>, 2020, at 6:30 pm at Stonecrest City Hall chambers, Stonecrest Georgia 30038. Several residents show up at the community meeting regarding the rezoning application and special land use permit application. There were several concerns from residents regarding traffic and type of business at the subject property and stormwater concerns.



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**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 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.**

As shown in the table below, the subject property is surrounded by low to medium density housing. \* Please see the map below table

<b>Adjacent &amp; Surrounding Properties</b>	<b>Zoning (Petition Number)</b>	<b>Land Use</b>	<b>Density Non-Residential (SF/Acre) Residential (Units/Acre)</b>
<b>Applicant</b>	<b>Proposed: NS</b>	<b>Commercial</b>	<b>16,000SF/Acre</b>
Adjacent: North	R-100 (Residential Med Lot)	Residential (Detached Single Family Home)	1.0 unit/acre
Adjacent: West	C-1 (Local Commercial)	Residential (Wesley Crest Apartments)	n/a
Adjacent: East	RSM (Small Lot Residential Mix)	Residential (Parks of Stonecrest)	4-8 units/acre
Adjacent: South	R-100 (Residential Med Lot)	Residential (Detached Single-Family Home)	1.0 units/acre
Nearby: South	R-100 (Residential Med Lot)	Institutional (Turner Hill Baptist Church)	n/a

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The neighborhood shopping zoning district is intended to be convenient commercial development for the Urban Neighbor Hood Character area.

- **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 limit small-scale goods and services to meet the needs of the surrounding residents.



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The proposed zoning is in an area transitioning from low-density housing to medium density housing. The current character of the area shows many of the surrounding properties to be single-family detached. The proposed zoning change and development of commercial retail would be in keeping with the policy and intent of the comp 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 detached single-family home development with a minimum lot size of 15,000 square feet. The property does not have reasonable economic use as currently zoned. The property sits along Turner Hill Road, which is a minor arterial road in a neighborhood that has evolved from a less traditional community into more medium-density zoning.

- **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. Staff believes the suggested zoning for commercial retail would complement the area by allowing the surrounding residential development access to small scale goods and services.

- **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. There are existing conditions that would provide supporting grounds for approval of the zoning change as the properties located to the north are single-family detached homes that are for sale.

- **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.**

Access to the property will be Turner Hill Road, which is a minor arterial road that staff believes would have the traffic capacity to handle the volume of traffic generated by the zoning change. The zoning proposal will not cause an excessive or burdensome on utilities as Dekalb County believes the property has the sewer capacity for commercial development. The proposed use will not have harmful or oppressive use of schools.

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





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

*\*The applicant submitted special land use permit application in support of the request zoning change for a specific use.*

### **CRITERIA OF REVIEW**

Section 7.4.6 of the Stonecrest Zoning Ordinance list nineteen factors to be considered in a technical review of a special land use permit completed by the Community Development Department and Planning Commission. Each criterion is listed with staff analysis.

- A. Adequacy of the size of the site for the use contemplated and whether or not the adequate land area is available for the proposed use including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The approximately 16,000 square foot residence on 1.66 acres is adequate for the operation of a retail shopping center with a convenience store with accessory fuel pumps.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The proposed convenience store will accessarily fuel pumps is not compatible with the adjacent properties and land uses in the district. Staff believes a convenience store or neighborhood retail would be compatible with the surrounding land uses, however a convenience store with fuel pumps would not fit the character of the area and would best be located at roadway intersection located closer to more commercial development.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

There are adequate public services, public facilities, and utilities to sever the proposed use.

- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

Turner Hill Road classified as minor arterial, and the Planning Staff believes little or no impact on the public streets or traffic in the area.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.**

The existing land use located along the access routes to the site would not be adversely affected by the character of the vehicles of the volume traffic generated by the proposed use. Turner Hill Road is a minor arterial road that is designed to handle a commercial development.



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- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or another emergency.**

The existing subject property can be accessed by vehicles via an existing curb cut with a driveway on Turner Hill Road. Emergency vehicles can access the site from the existing driveway.

- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

The proposed use may create an adverse impact upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. The applicant has submitted a proposed site plan showing a transitional buffer between the development and the adjoining single-family homes located to the east of the subject property.

- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**

The proposed use will create an adverse impact upon any adjoining land use by reason of the hours of operation of the proposed use. The subject property abuts to single-family residential homes. Staff believes limiting the hours of the proposed use would minimize the negative impact on the residential homes. The applicant has state hours of operation would be from 7am to 11pm daily. Staff deems the proposed hours to be reasonable.

- I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The operation of the convenience store could create an adverse impact upon any adjoining land use by reason of the manner of operation of the proposed use. Staff believes the nature of proposed could negatively affect the adjoining property located to the east of the subject property.

- J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The proposed use is otherwise consistent with the requirement of the zoning district classification in which the use is proposed to be located.

- K. Whether the proposed use is consistent with the policies of the comprehensive plan.**

The proposed use is not consistent with the policies of the comprehensive plan. Staff believes the convenience store with accessory fuel pumps is not the intended small-scale convenience goods or services meant for the area. Staff believes the proposed use would be more suitable in a neighborhood focal point or Neighborhood Center Character area.



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**L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

The proposed use does provide for all required buffer and transitional buffers required by the zoning district. Submitted by the applicant, the proposed site plan indicates a transitional buffer located to the east of the subject property.

**M. Whether there is adequate provision of refuse and service areas.**

An adequate refuse and service area will be provided by the applicant.

**N. Whether the length of time for which the special land use permit is granted should be limited in duration.**

Staff believes there is not a compelling reason to limit the special land use duration as the applicant.

**O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.**

The proposed convenience store with accessory fuel pumps has the appropriate structure, which is consistent in size, scale, and massing with adjacent and surrounding buildings in the area.

**P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

**Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permits.**

The proposed use submitted site plan submitted to staff has met all the requirements within the supplemental regulation Sec 4.2.28 set forth by the zoning ordinance.

**R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

The proposed development would not exceed the height of nearby residential structures. The proposed building would be similar to the height abutting the property and shorter than the multifamily development located to the west of the development. There will be no negative shadow impact on any adjoining lot.

**S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.**



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The proposed convenience store with accessory fuel pumps would not be consistent with the needs of the neighborhood or the community as a whole. With the closing of a nearby convenience store (Rite Aid), which provides small scale goods and services, staff believes a similar use of a convenience store without accessory fuel pumps such as Walgreen, CVS, and Rite Aid would fit the needs of the community.

### **STAFF RECOMMENDATION**

Staff recommends **DENIAL** of SLUP-19-009 and **APPROVAL** of RZ-19-010, **subject to the following conditions:**

1. The use of the Subject Property for any of the following shall be strictly prohibited:
  - a. A child's daycare center and/or kindergarten.
  - b. Barbershop / Beauty Salon or similar establishments.
  - c. Gold-Buying establishment.
  - d. Restaurant with a drive-through.
  - e. Nightclub.
  - f. Skating rink; and
  - g. indoor and/or outdoor recreation.
2. The site shall be developed in general conformance with the site plan *minus fuel pumps* received by the City on Nov 5<sup>th</sup>, 2019.
3. Exterior elevations shall be similar to the elevations received by the City on Nov 5<sup>th</sup>, 2019. Final elevations shall be subject to review and approval of the Planning and Zoning Director.
4. Owner/Developer shall install a five-foot (5') wide sidewalk along the entire frontage of Turner Hill Road.
5. Owner/Developer shall dedicate additional right-of-way along the entire frontage of Turner Hill Road to provide a minimum of fifty feet (50') from the road centerline, twelve feet (12') from the back of curb, or two feet (2') from the future back of the sidewalk, whichever is greater.
6. Owner/Developer shall obtain all permits required by the City of Stonecrest in accordance with the development of the subject property.