

3266 & 7407

Hayden Quarry Road

- Application
- Public Participation Plan
- Survey
- Elevations
- Letter of Intent
- Staff Report



PLANNING COMMISSION

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

GENERAL INFORMATION

Petition Number: RZ-22-005

Applicant: Dorsey, LLC c/o Battle Law P.C.

Owner: Thomas W. Poole, Jr., Chad D. Johnson, Patricia C. Johnson

Project Location: 3266 and 7407 Hayden Quarry Road

Parcels: 16-182-03-001 and 16-182-02-003

District: District 1

Acreage: Tract 1: 20.98 acres and Tract 2: 10.05 acres

Existing Zoning: R-100 (Residential Medium Lot)

Proposed Zoning: MR-1 (Medium Residential Density)

**Comprehensive Plan Community:
Area Designation** UN (Urban Neighborhood)

Proposed Development/Request: Seeking to rezone the subject properties from R-100 (Residential Medium Lot) to MR-1 (Medium Density Residential) to develop 55 single-family attached townhomes to be owned fee simple on +/- 6.9 acres of land being Tax Parcel Nos. 16 182 03 001 and 16 182 02 003 having frontage on 3266 and 7407 Hayden Quarry Road.

Staff Recommendations: Approval

Planning Commission To defer to September 6, 2022

City Council City Council approved a full deferral on August 22, 2022



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Zoning Map



 **Subject Property**



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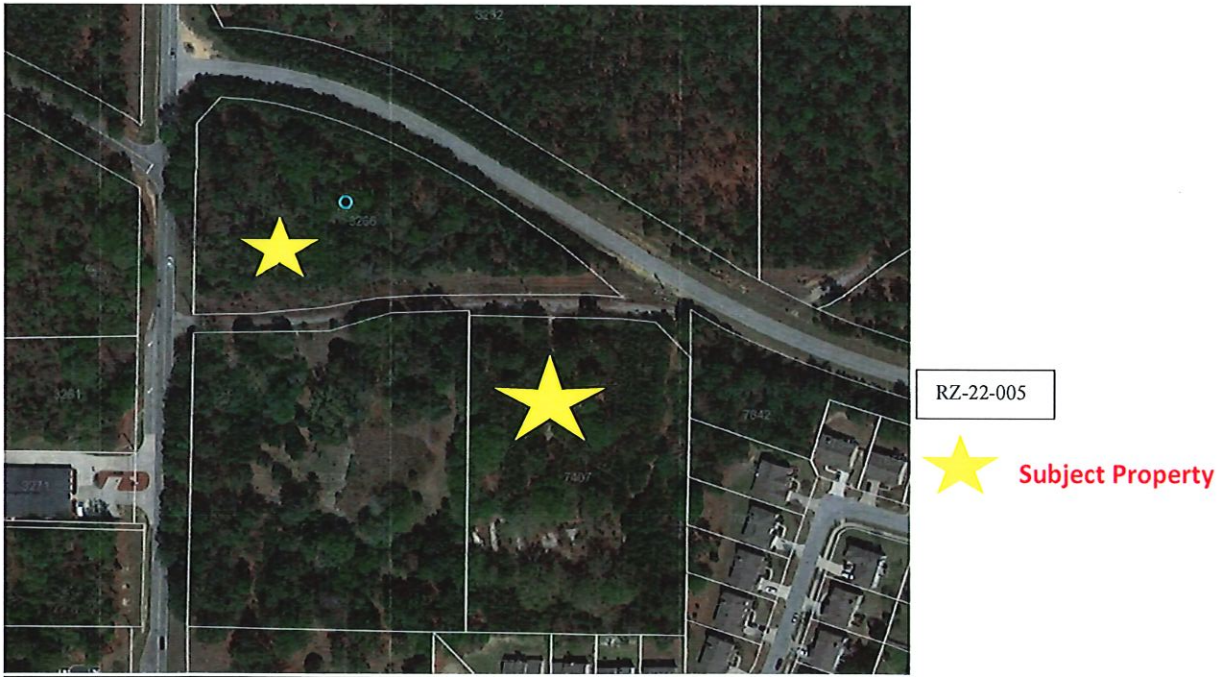
Zoning Case: RZ-22-005

Address: 3266 and 7407 Hayden Quarry Road

Current Zoning: R-100 (Residential Medium Lot)

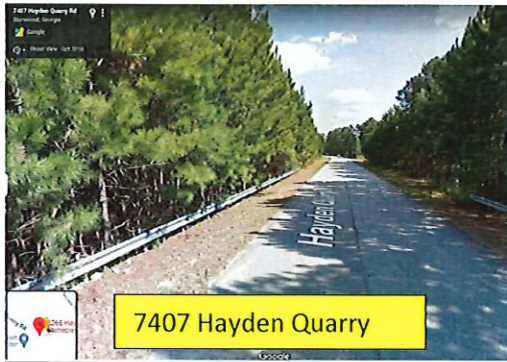
Proposed Zoning: OD (Office Distribution)

Aerial Map





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PROJECT OVERVIEW

The applicant, Dossey, LLC. is seeking to develop on +/- 6.9 acres of land being Tax Parcel Nos. 16 182 03 001 and 16182 02 003 having frontage on 3266 and 7407 Hayden Quarry Road (the “Subject Property”) with fifty-five (55) single-family attached townhomes to be owned fee simple. The Applicant is seeking a rezoning of the Subject Property from R-100 to MR-1.

BACKGROUND:

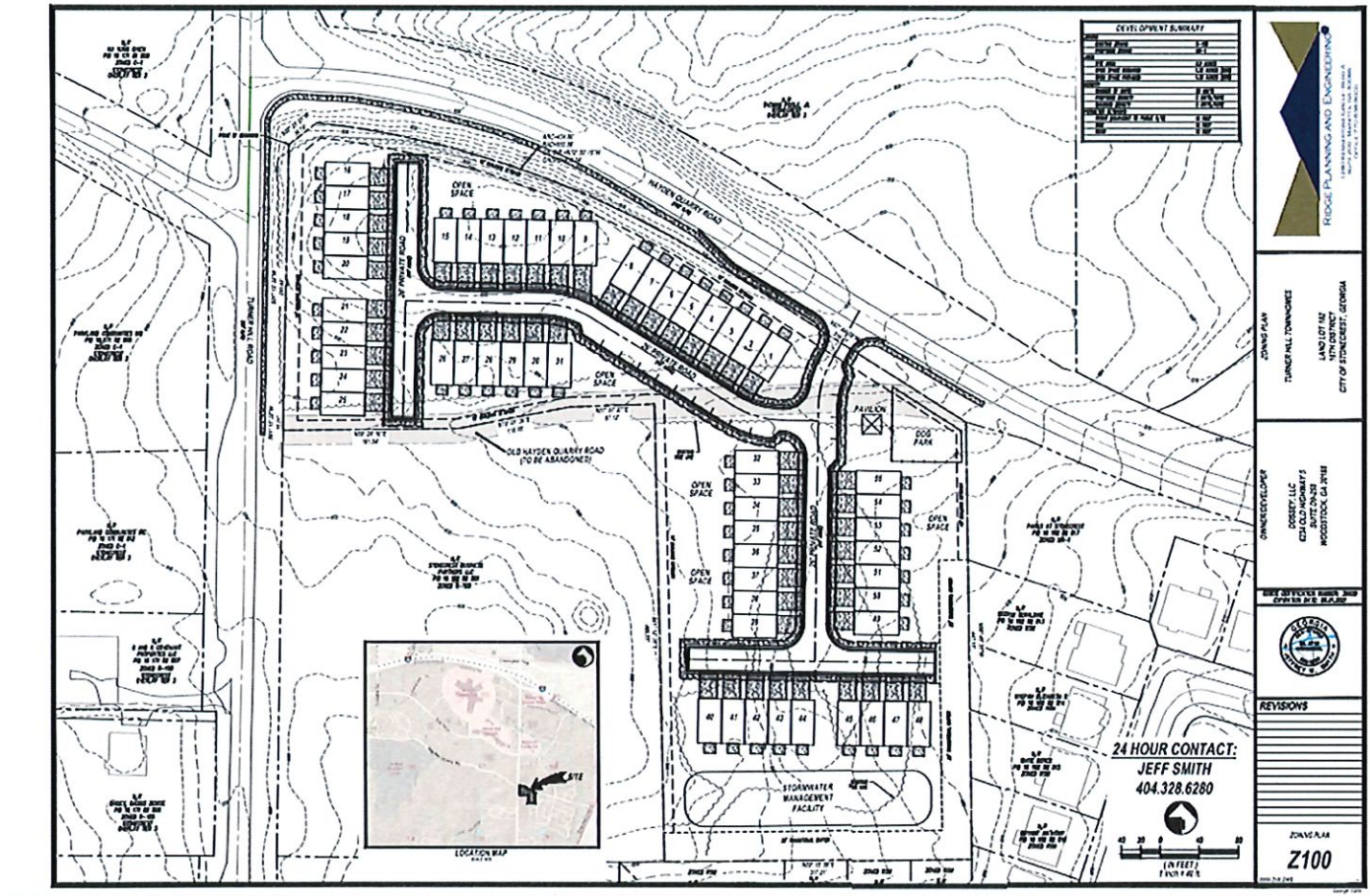
The subject property is a heavily wooded lot and has no past zoning petition attached to the staff.



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Public Participation

Community Planning Information Meeting is scheduled on July 26, 2022.





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As shown in the table below, the subject property is surrounded by industrial and residential development. *
Please see the map below table

ADJACENT ZONING AND LAND USE		
	Zoning	Zoning Land Use
Adjacent: North	R-100 (Single-Family Medium Density) and C-1 (Local Commercial)	Single-family residential, Chick-fil-A, TGI Fridays and Walmart Supercenter
Adjacent: East	RSM (Residential Small Lot) and MR-1 (Medium Density Residential)	Residential Development
Adjacent: South	R-100 (Residential Medium Lot), C-1 (Local Business) and RSM (Residential Small Lot)	Turner Hill Baptist Church
Adjacent: West	R-100 (Med Residential) District C-1 (Local Commercial) and MR-1 (Medium Density Residential)	Residential and Mall at Stonecrest



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Zoning Criteria, Analysis and Comments

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

The surrounding properties are developed with apartments, single-family detached homes, and a learning center. Some of the surrounding parcels are vacant.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The only properties that will be affected are those that once used Old Hayden Quarry Road for access. However, Old Hayden Quarry Road has been blocked off from use and kept in a state of disrepair for quite some time. The application will be submitting a right-of-way abandonment application along with this rezoning application to formally close Old Hayden Quarry Road. That properties that once used it are vacant, so no property owner will be affected by this request. The property abutting the Subject Property to the Southwest will also not be adversely affected by this zoning proposal. A substantial, thirty (30) foot buffer will be maintained at the portions of the Subject Property that abut those properties. This buffer will ensure that the new development will not adversely affect the existing single-family detached homes. Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

- **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 proposed land use will not cause excessive burdensome to this area. According to the trip generation report prepared for this zoning proposal by Ridge Planning and Engineering, the zoning proposal will add a total of 318 total trips over a twenty-four (24) hour period with twenty-five of those trips taking place during the morning peak travel time and twenty-nine (29) taking place during the evening peak travel time. The rest will take place



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outside of the peak travel hours. Therefore, the zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

The Subject Property has a future land use designation of Urban Neighborhood and is currently zoned R-100. Thus, the current zoning designation does not conform to the future land use. The zoning proposal requests MR-1, which is in line with the future land use designation. Additionally, according to the Comprehensive Land Use Plan, “townhomes” are a specifically permitted use in the Urban Neighborhood land use designation. Thus, the zoning proposal conforms to the Comprehensive Land Use Plan.

- **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.**

The subject property is not directly adjacent to an adjoining governmental jurisdiction.

- **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.**

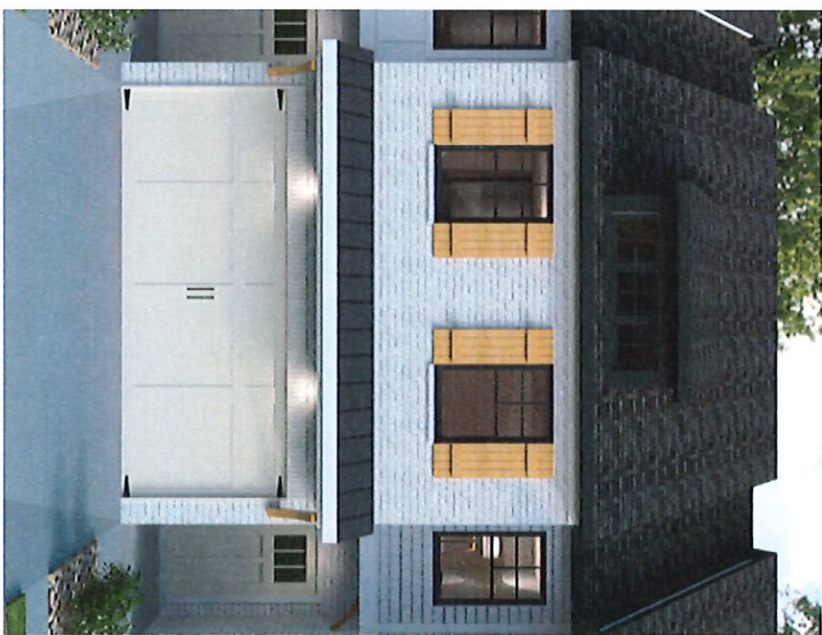
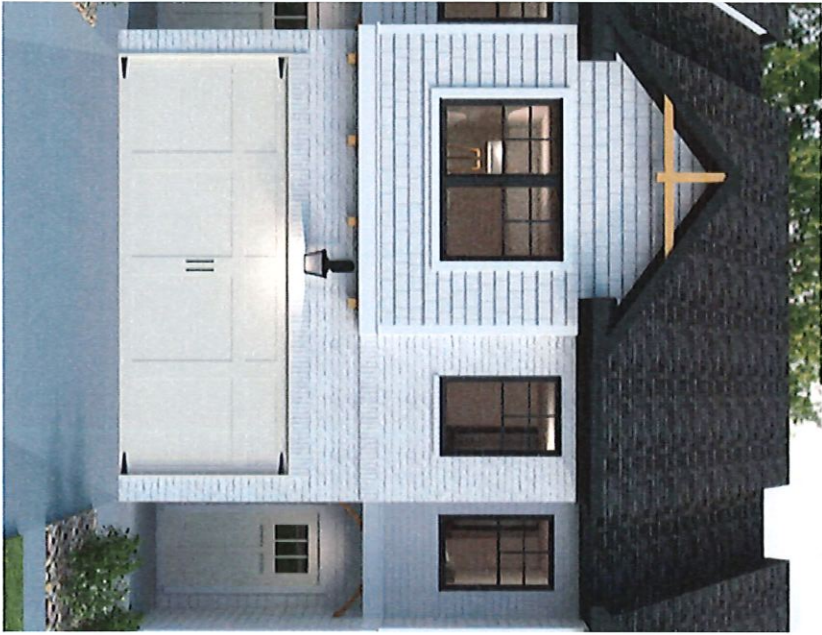
There are no existing or changing conditions affecting the use and development of the affected land areas.

- **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.

STAFF RECOMMENDATION:

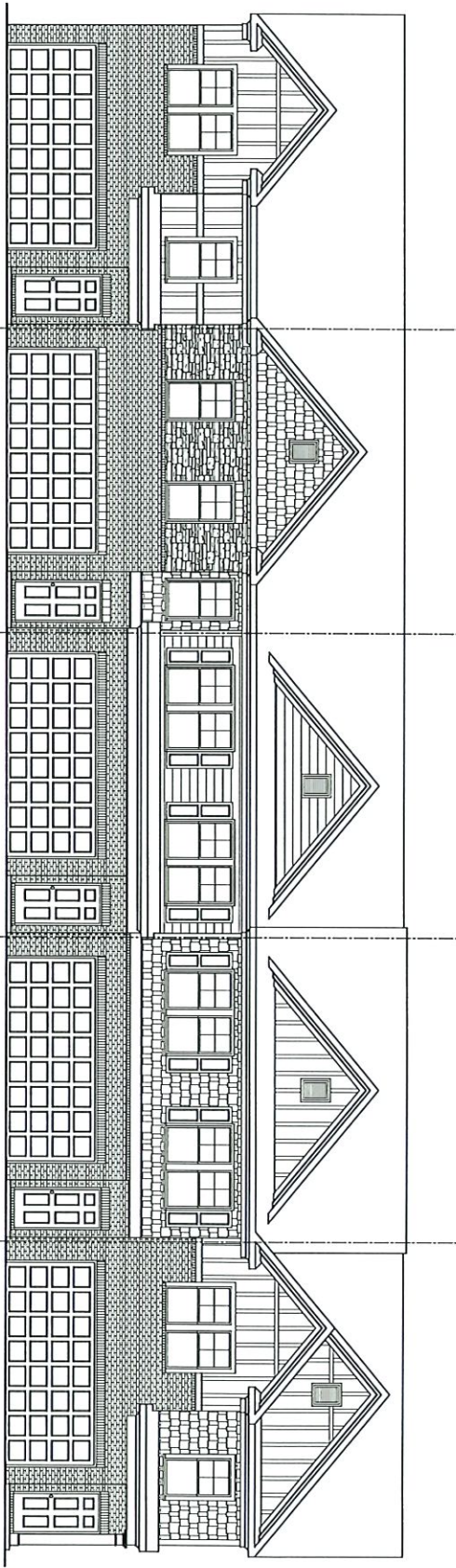
Staff recommends **APPROVAL** of the proposed petition.











Edmund D

Edmund B

Edmund A

Edmund C

Edmund E

RELEASED FOR CONSTRUCTION

SHEET	 <p>AMERICAN GABLES HOME DESIGNS, INC. 3300 Johnson Ferry Road * Suite 206 Marietta, GA 30062 678-919-7117 www.AmericanGables.com</p>	SANDTOWN TH	<p>ROCKHAVEN HOMES 4062 PEACHTREE ROAD NE, SUITE D # 277 ATLANTA, GA 30319</p>	BUILDER





Rezoning Application

Owner Information	Owner's Name: Thomas W Poole Jr., Chad D Johnson, Patricia C Johnson			
	Owner's Address: 736 Smyrna Road Conyers, GA 30094, 218 Highlands Drive Woodstock, GA 30188-6081			
	Phone:		Fax:	Email:
	Property Address: 3266 Hayden Quarry Road, 7407 Hayden Quarry Road			Parcel Size:
	Parcel ID: 16 182 03 001, 16 182 02 003			
	Current Zoning Classification: R-100 - Residential Med Lot			
	Requested Zoning Classification: MR-1 - Med Density Residential			
	Name: Dossey, LLC c/o Battle Law, P.C.			
	Address: 3562 Habersham at Northlake Building J, Suite 100 Tucker, GA 30084			
	Phone: 404-601-7616		Fax: 404-745-0045	
Cell: 404-601-7616		Email: mlb@battlelawpc.com		
Property Information	Is this development and/or request seeking any incentives or tax abatement through the City of Stonecrest or any entity that can grant such waivers, incentives, and/or abatements?			
	<input type="checkbox"/> Yes <input type="checkbox"/> No			
	1. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?			
	2. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?			
	3. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?			
Questionnaire				
	4. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?			
	5. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?			
6. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?				

PUBLIC PARTICIPATION PLAN

Applicant: Dossey, LLC c/o Battle Law, P.C.

1. The following individuals (property owners within a minimum of 500 ft of the property), homeowner's associations, political jurisdictions, other public agencies, etc. will be notified

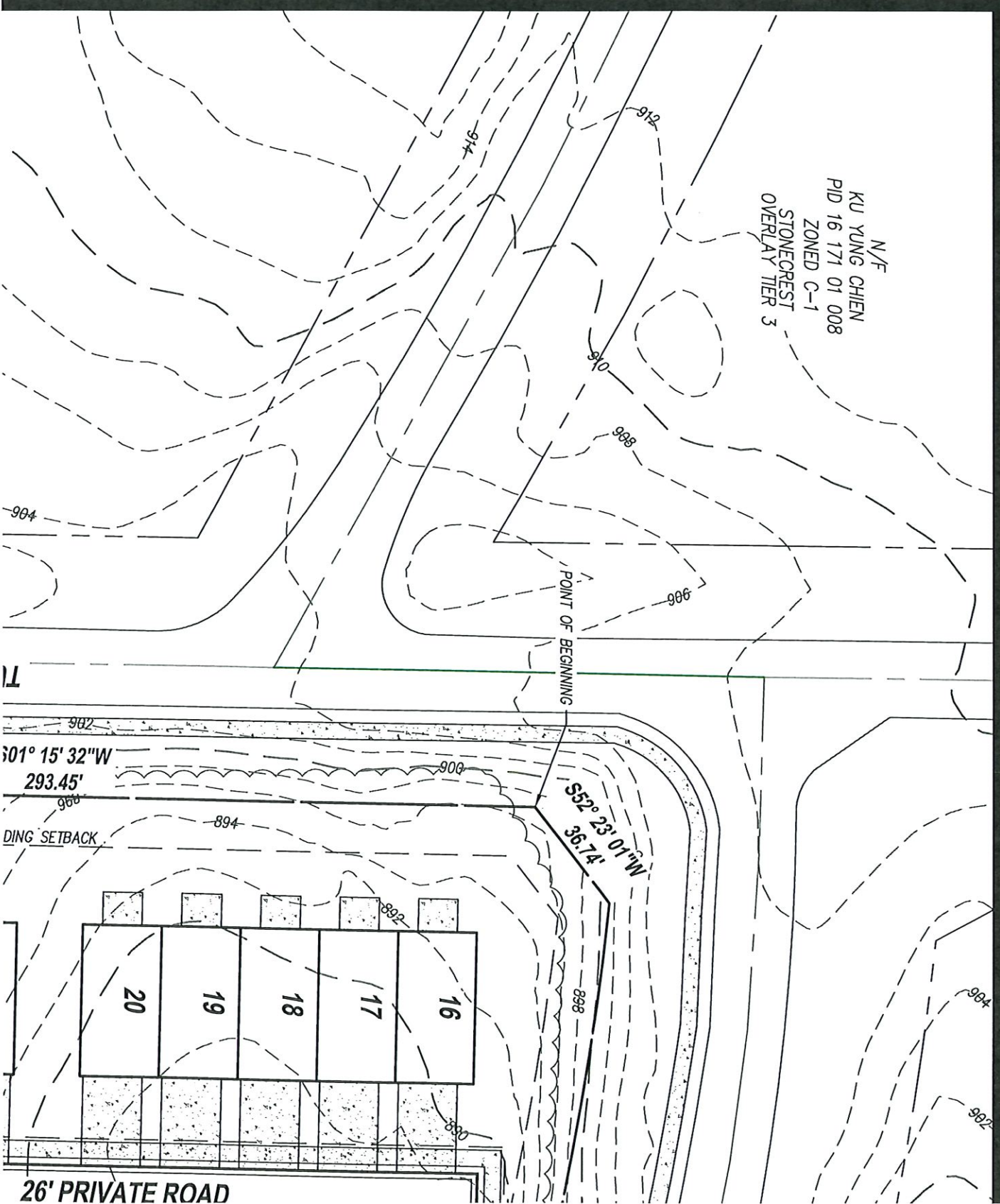
All property owners within a minimum of 500ft of the property

2. The individuals and others listed in 1. above will be notified of the requested rezoning/use permit using the following method(s): (e.g., letters, meeting notices, telephone calls, e-mails, etc.)
Postcards and meeting notices

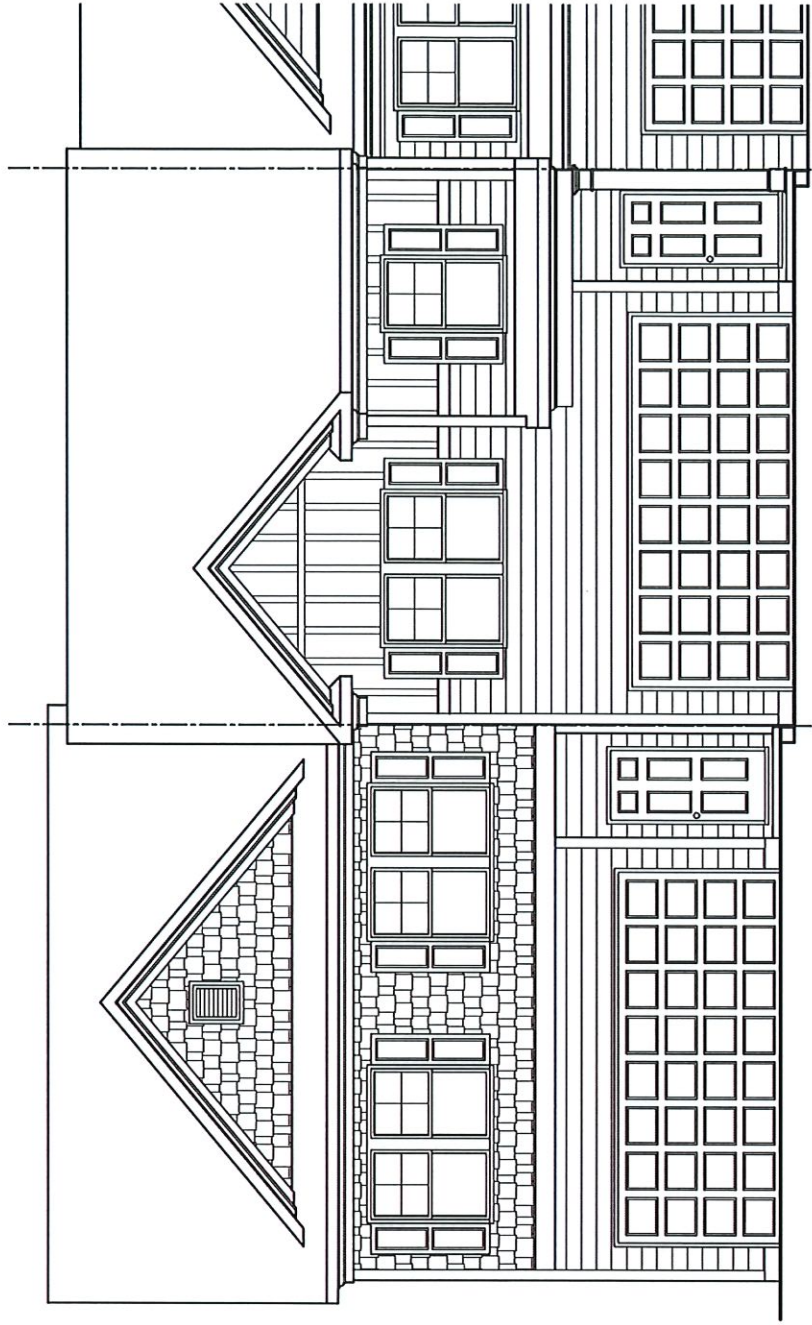
3. Individuals and others listed in 1. above will be allowed to participate in the following manner: (At least one meeting at a convenient time and location is required.)

Battle Law will host a community meeting at a convenient location and time during a weekday evening between 6:00pm and 7:30pm

N/F
KU YUNG CHIEN
PID 16 171 01 008
ZONED C-1
STONECREST
OVERLAY TIER 3



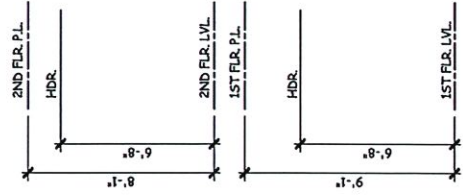
26' PRIVATE ROAD

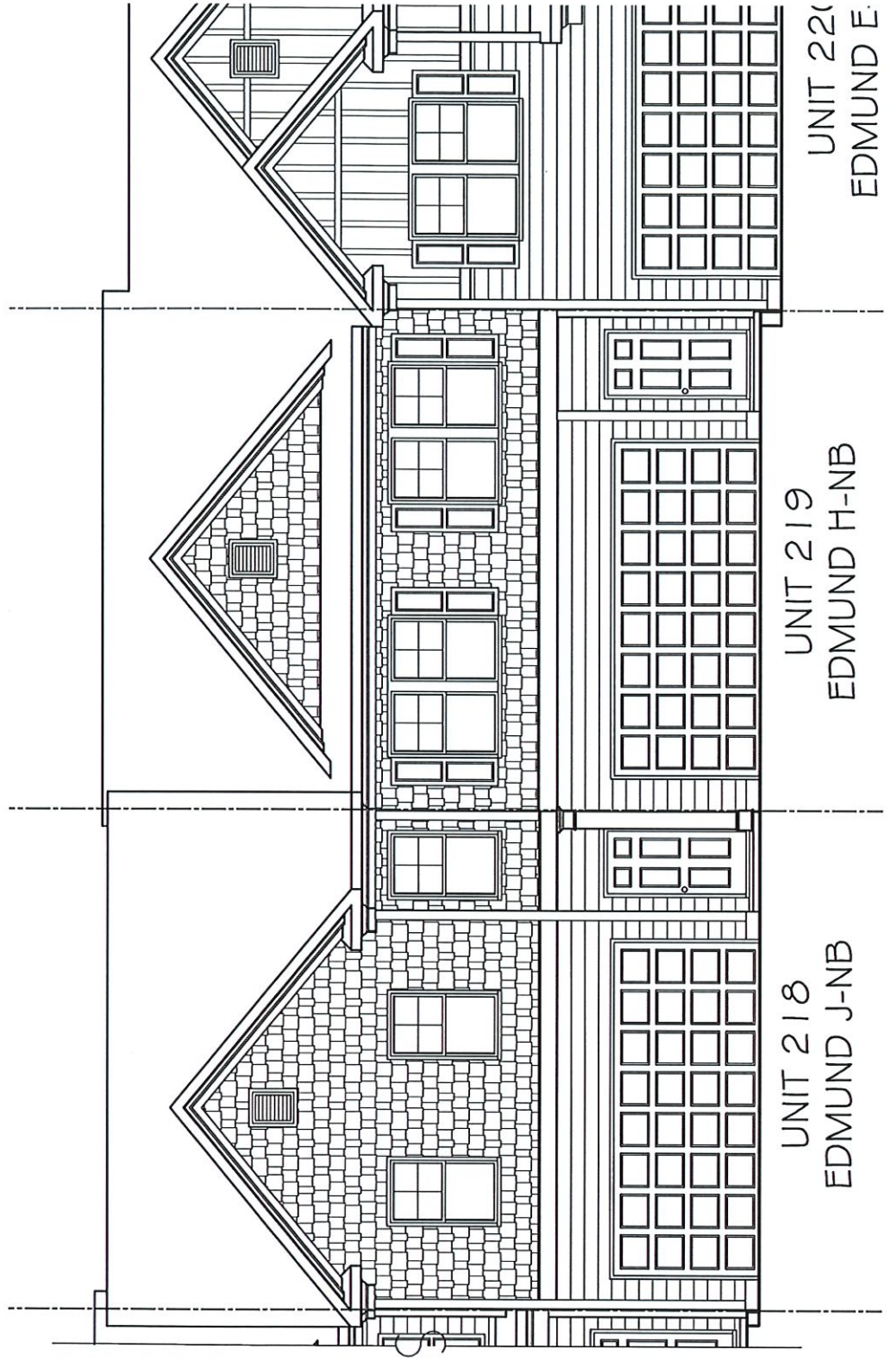


UNIT 215
EDMUND H-NB

UNIT 216
EDMUND G-NB

EI





UNIT 218
EDMUND J-NB

UNIT 219
EDMUND H-NB

UNIT 220
EDMUND E.



Battle Law

STATEMENT OF INTENT

and

Other Material Required by the
City of Stonecrest Zoning Ordinance
For
A Rezoning from R-100 to MR-1

of

Dossey, LLC.
c/o Battle Law, P.C.

for

+/-6.9 Acres of Land
Being 3266 and 7407 Hayden Quarry Road
Stonecrest, Georgia and
Parcel Nos. 16 182 03 001 and 16 182 02 003

Submitted for Applicant by:

Michèle L. Battle, Esq.
Battle Law, P.C.
Habersham at Northlake, Building J, Suite 100
Tucker, Georgia 300384
(404) 601-7616 Phone
(404) 745-0045 Facsimile
mlb@battlelawpc.com



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I. LETTER OF INTENT

Dossey, LLC. (the “Applicant”) is seeking to develop on +/- 6.9 acres of land being Tax Parcel Nos. 16 182 03 001 and 16 182 02 003 having frontage on 3266 and 7407 Hayden Quarry Road (the “Subject Property”) with fifty-five (55) single-family attached townhomes to be owned fee simple. The Applicant is seeking a rezoning of the Subject Property from R-100 to MR-1.

This document serves as a statement of intent, analysis of the criteria under the City of Stonecrest Zoning Ordinance, environmental site analysis, and contains notice of constitutional allegations as a reservation of the Applicant’s rights.

II. STONECRST REZONING CRITERIA

A. Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The zoning proposal will allow for fifty-five (55) single-family attached townhomes to be owned fee simple to be built. This residential use is a useful transition from rental apartment living to ownership of a single-family detached home. The surrounding properties are developed with apartments, single-family detached homes, and a learning center. However, the Subject Property is very near the Mall at Stonecrest and the surrounding shops. This development would bolster the businesses by providing long-term home owners that can easily access and support the various shops and restaurants. Therefore, the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.

B. Will the affected property of the zoning proposal have a reasonable economic use as currently zoned?

The affected property of the zoning proposal does not have a reasonable economic use as currently zoned. The Subject Property is currently zoned R-100, which permits for single-family detached homes. Given the current state of the market, this use is not financially viable on this land. The cost associated with building single-family detached homes that meet the R-100 standards would simply outweigh any economic gain. Therefore, the affected property of the zoning proposal does not have a reasonable economic use as currently zoned.

C. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The only properties that will be affected are those that once used Old Hayden Quarry Road for access. However, Old Hayden Quarry Road has been blocked off from use and kept in



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a state of disrepair for quite some time. The Applicant is also submitting a right-of-way abandonment application along with this rezoning application to formally close Old Hayden Quarry Road. The properties that once used it are vacant, so no property owner will be affected by this request.

The property abutting the Subject Property to the Southwest will also not be adversely affected by this zoning proposal. A substantial, thirty (30) foot buffer will be maintained at the portions of the Subject Property that abut those properties. This buffer will ensure that the new development will not adversely affect the existing single-family detached homes.

Therefore, the zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

D. Are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?

There are other existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for approval of the zoning proposal. Hayden Quarry Road currently is not aligned. The City is working to realign the road and, thereby, fixing the intersection of Hayden Quarry Road and Turner Hill Road. This zoning proposal can include the right of way dedication needed to enhance the roads to help the City achieve its goal. Therefore, there are existing or changing conditions affecting the existing use or usability of the development of the property which give supporting grounds for approval of the zoning proposal.

E. Will the zoning proposal adversely affect historic buildings, sites, districts, or archaeological resources?

The zoning proposal will not adversely affect historic buildings, sites, districts, or archaeological resources.

F. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?

The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. According to the trip generation report prepared for this zoning proposal by Ridge Planning and Engineering, the zoning proposal will add a total of 318 total trips over a twenty-four (24) hour period with twenty-five of those trips taking place during the morning peak travel time and twenty-nine (29) taking place during the evening peak travel time. The rest will take place outside of the peak travel hours. Therefore, the zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

III. CONCLUSION



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For the foregoing reasons, the Applicant hereby requests that the application for a rezoning from R-100 to MR-1. The Applicant welcomes any questions and feedback from the planning staff.

IV. ENVIRONMENTAL SITE ANALYSIS

A. Conformance to the Comprehensive Plan:

a. Describe the proposed project and the existing environmental conditions on the site

Dossey, LLC. (the "Applicant") is seeking to develop on +/- 6.9 acres of land being Tax Parcel Nos. 16 182 03 001 and 16 182 02 003 having frontage on 3266 and 7407 Hayden Quarry Road (the "Subject Property") with fifty-five (55) single-family attached townhomes to be owned fee simple. The Applicant is seeking a rezoning of the Subject Property from R-100 to MR-1.

The Subject Property is currently a wooded, vacant property with no major environmental features.

b. Describe adjacent properties. Include a site plan that depicts the proposed project.

The surrounding properties are developed with apartments, single-family detached homes, and a learning center. Some of the surrounding parcels are vacant.

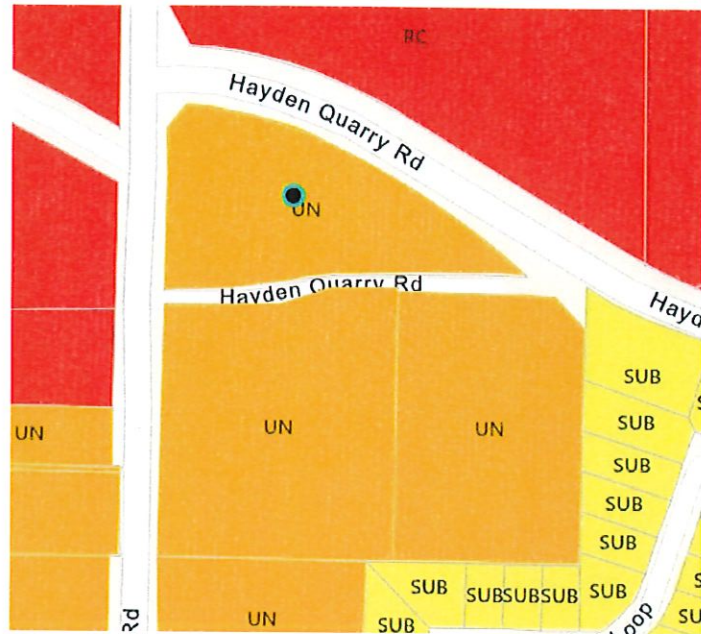
c. Describe how the project conforms to the Comprehensive Land Use Plan.

The Subject Property has a future land use designation of Urban Neighborhood and is currently zoned R-100. Thus, the current zoning designation does not conform to the future land use. The zoning proposal requests MR-1, which is in line with the future land use designation. Additionally, according to the Comprehensive Land Use Plan, "townhomes" are a specifically permitted use in the Urban Neighborhood land use designation. Thus, the zoning proposal conforms to the Comprehensive Land Use Plan.

d. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan.



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- e. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

The proposed project is right in line with the suggestions of the Comprehensive Plan and its policies. The Comprehensive Plan contemplates townhomes in the UN land use designation, which is exactly what the proposed project will bring.

B. Environmental Impacts of the Proposed Project

- a. For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- i. Wetlands -- Absent
- ii. Floodplain -- Absent
- iii. Streams/stream buffers -- Absent
- iv. Slopes exceeding 25 percent over a 10-foot rise in elevation
 1. United States Geologic Survey Topographic Quadrangle Map
 2. Field observation and verification
- v. Vegetation – The Subject Property does currently have trees. The project would require clearing some of the trees in order to develop the infrastructure and homes.
- vi. Wildlife Species (including fish) – The Applicant is not aware of any wildlife species living on the Subject Property.
- vii. Archeological/Historical Sites – The Applicant is not aware of any archeological or historical sites on the Subject Property.

C. Project Implementation Measures



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- a. Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.
- i. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors
 1. There are no environmentally sensitive areas on the Subject Property.
 - ii. Protection of water quality
 1. Any stormwater runoff produced by the site will be channeled into a stormwater detention facility and then slowly released over the course of twenty-four (24) hours. The stormwater will not adversely affect any existing streams.
 - iii. Minimization of negative impacts on existing infrastructure
 1. The Applicant is working with the City engineer to ensure that the existing infrastructure support the proposed project. At this time, the Applicant is aware that the Hayden Quarry Road and Turner Hill Road intersection is going to be realigned and the Applicant is working to ensure the proper right of way is dedicated to the City to allow for any needed road enhancements.
 - iv. Minimization on archeological/historically significant areas
 1. The Applicant is not aware of any archeological/historically significant areas on the Subject Property or even in the area.
 - v. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g. solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g. landfills, quarries and manufacturing facilities) uses.
 1. The Applicant is not aware of any nearby, environmentally stressed, communities.
 - vi. Creation and preservation of green space and open space
 1. The project proposal includes various open/greenspaces throughout the community in addition to the required thirty (30) foot transitional buffers which will remain wooded. According to the site plan open space calculations, twenty (20) percent of the site will remain open space.
 - vii. Protection of citizens from the negative impacts of noise and lighting
 1. The project proposal includes a thirty (30) foot transitional buffer between the townhome use and the single-family detached use. This buffer conforms to the City's zoning code. The buffer should provide adequate protection from any noise or lighting.
 - viii. Protection of parks and recreational green space
 1. The project proposal includes some enhanced green space with a pavilion and a dog park for members of the new community to use. This space will be maintained by an HOA.