



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

Planning Commission February 2nd, 2021 / Mayor and City Council Meeting February 22nd, 2021

GENERAL INFORMATION

Petition Number: RZ-21-002 / SLUP-21-002

Applicant: Alphabet Daycare c/o Shanteria Vaughn

Owner: Wilson Academy Incorporated

Project Location: 3174 Miller Rd

District: District 4

Acreage: 1.66 acres

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

Proposed Zoning: RSM (Small Lot Residential Mix) 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.

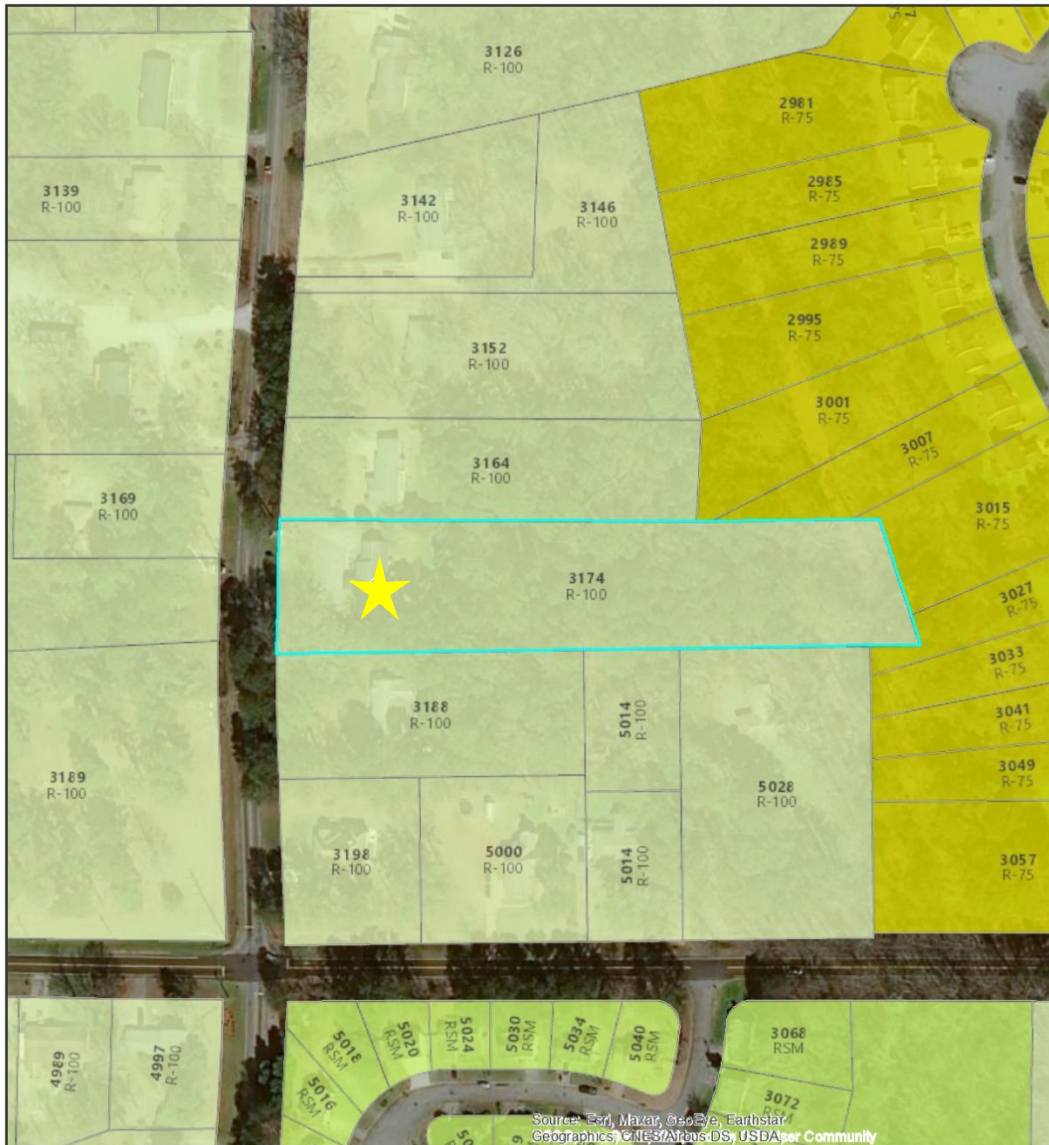
Staff Recommendations: **Approval**



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

Zoning Map



ZONING CASE: **RZ-21-001/SLUP-21-002**

ADDRESS: **3174 Miller Road**

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

FUTURE LAND USE: **Urban Neighborhood**



Subject Property



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

PROJECT OVERVIEW

Location

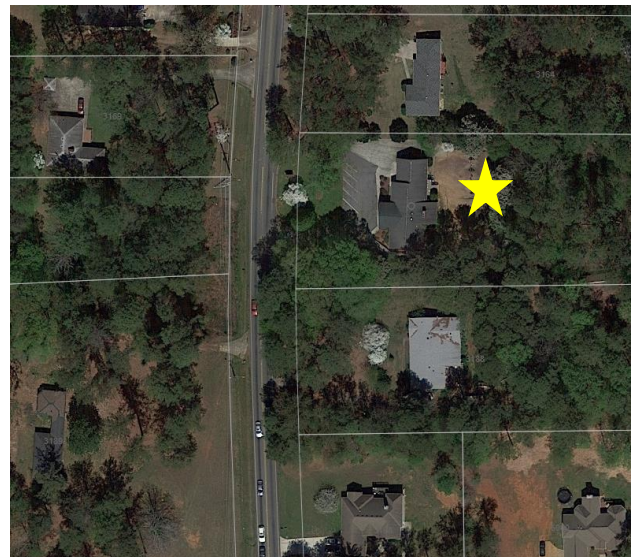
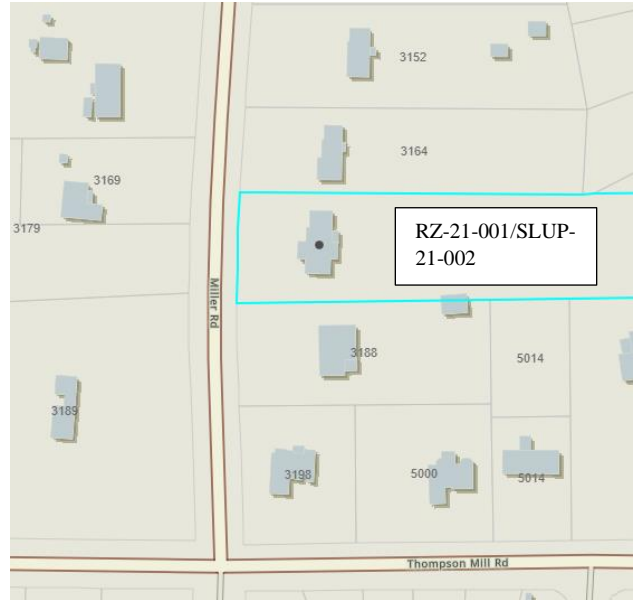
The subject property is located at 3174 Miller Road. The property is approximately 378 feet north of Miller Road and Thompson Mill Rd intersection.

The property is bounded by Miller Road to the west and single family homes to the north, south and east. Woodgrove residential subdivision is located to the east.

Background

Currently, the property has kept its original zoning classification of R-100 under Stonecrest Zoning Ordinance. The subject property was previously used for the Wilson Academy. The Wilson Academy is a private school for K-12 school aged children.

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





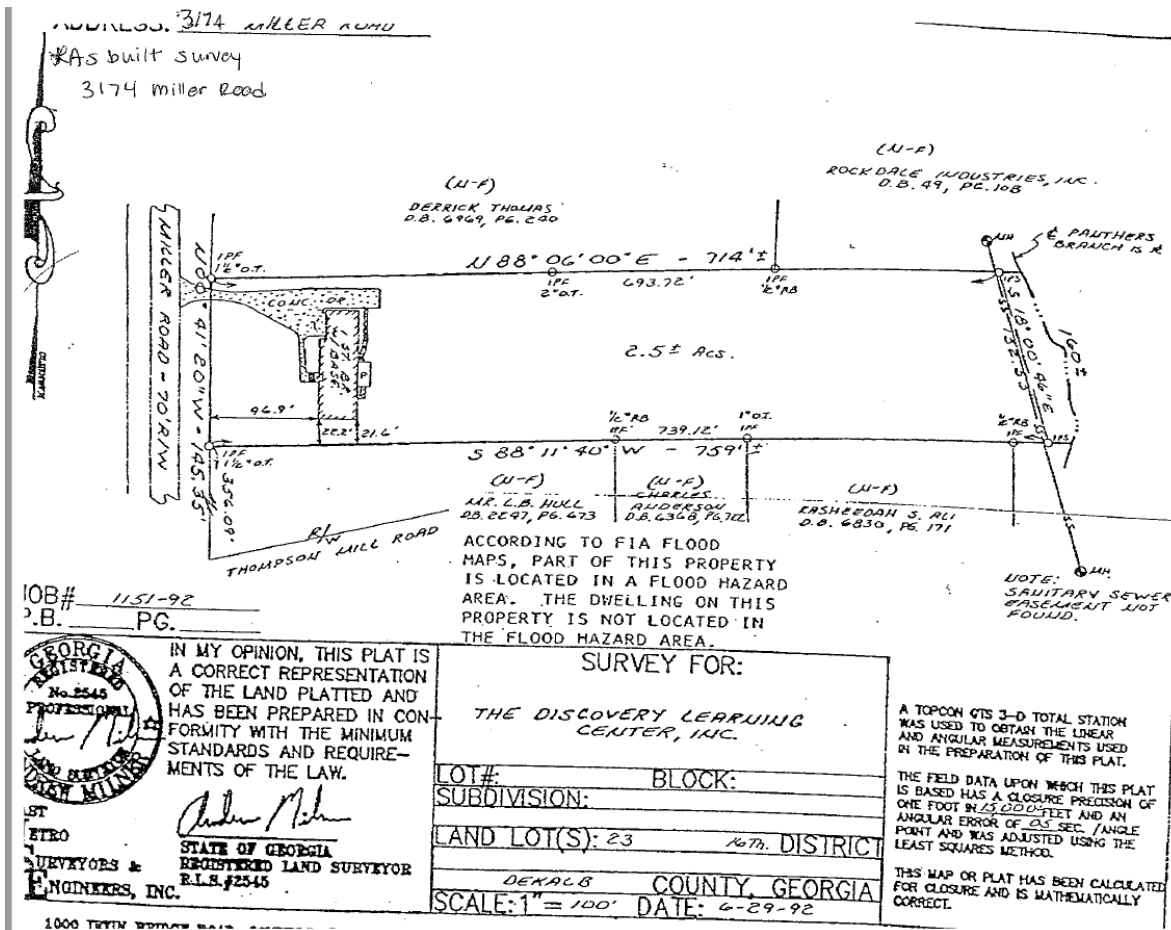
PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

Rezoning Request

The applicant is requesting to rezone the subject property from R-100 to RSM (Small Lot Residential Mix) District to operate a child daycare center. The daycare center will run out of the existing 5,000 square foot building. The applicant has submitted a second application (SLUP) for the permit to use the daycare. The applicant intends to supervise children ages infant to ten (10) years old.

Conceptual Site Plan





PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

Proposed Elevations





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 December 21st, 2020, at 7:00 pm via zoom.com. 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 the homeless residing in the vacant building. Many residents express a desire for a business to start operating on the property.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

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 density housing. * Please see the map below table

Adjacent & Surrounding Properties	Zoning (Petition Number)	Land Use	Density Non-Residential (SF/Acre) Residential (Units/Acre)
Applicant	Proposed: RSM	Educational	5,000 SF/Acre
Adjacent: North	R-100 (Residential Med Lot) District	Residential (Detached Single Family Home)	1.0 unit/acre
Adjacent: West	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	n/a
Adjacent: East	R-75 (Residential Med Lot) District	Residential (Parks of Stonecrest)	4-8 units/acre
Adjacent: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	1.0 units/acre
Nearby: South	R-100 (Residential Med Lot) District	Residential (Detached Single-Family Home)	n/a

The proposed change in zoning would permit a use that would be suitable in view and development of the nearby properties. The RSM Zoning classification would allow operation of a daycare, which would be similar to the previous use.

- **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.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

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 institutional use 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 have reasonable economic use as currently zoned. The property sits along Miller Road, which is a collector road in a suburban neighborhood.

- **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 a daycare 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 property was previous use for a private school.

- **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 Miller Road, which is a collector 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 states the property has the sewer capacity for the intended use. The proposed use will not have harmful or oppressive use of schools.

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



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

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 twenty 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 5,000 square foot residence on 3 acres is adequate for the operation of a child daycare facility.

- 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 with accessory 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 serve 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 or the volume of traffic generated by the proposed use. Turner Hill Road is a minor arterial road that is designed to handle a commercial development.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

- 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 will not create any adverse impact on the adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use.

- 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.**

Staff believes the proposed use would not have adversely affected the adjoining land use because of the hours of operation.

- 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.**

Staff believes the nature of the proposed use would not have adversely affected the adjoining property located to the north, south, or 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 zoning district classification requirement 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 consistent with the policies of the comprehensive plan. Staff believes a child daycare is the intended small-scale convenience goods or services meant for the area.

- 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 not require buffer or transitional buffers by the zoning district

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

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



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

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 existing building 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 4.2.19 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 existing building would be similar to the height abutting the property. 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.

The proposed child daycare would be consistent with the neighborhood's needs or the community and would not conflict with the comprehensive plan's overall objective.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

RZ-21-001/SLUP-21-002

STAFF RECOMMENDATION

Base on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends **APPROVAL** of **SLUP-21-001** the following conditions;

1. Access shall be limited to the existing curb cut off Miller Rd.
2. All refuse containers shall be screened from public view except during pick up.
3. Owner/Operator must live on the property according to the supplemental regulations cited in the Stonecrest Zoning Ordinance Sec. 4.2.31 and 4.2.41.
4. The applicants shall secure the necessary certification by the State of Georgia, and the license of business required building permits and certificates of occupancy from the city of Stonecrest.
5. The Special Land Use Permit shall be issued to Shanteri Vaughn (operator) to operate a child care home and shall not be transferable.