



Legislation Details (With Text)

File #: 2022-2260 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 9/27/2022 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 1/26/2023 **Final action:**

Title: COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of Future Capital Investment for a Major Modification to zoning conditions pursuant to CZ-20-1243972 to reduce the number of single-family detached lots from 19 to 6 lots in the RSM (Small Lot Residential Mix) zoning district, at 1347 Bermuda Road.

Indexes:

Attachments: 1. CZ-22-1246090 Jan 2023 Staff Report 1347 Bermuda Rd., 2. CZ-22-1246090 Nov 2022 Staff Report 1347 Bermuda Rd, 3. CZ-22-1246090 Recommended Conditions

Date	Ver.	Action By	Action	Result
1/26/2023	1	Board of Commissioners - Zoning Meeting	denied	Pass
1/5/2023	1	Planning Commission		
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
11/1/2022	1	Planning Commission	Full cycle deferral per staff recommendation	Pass

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 04 Super District 07
Application of Future Capital Investment for a Major Modification to zoning conditions pursuant to CZ-20-1243972 to reduce the number of single-family detached lots from 19 to 6 lots in the RSM (Small Lot Residential Mix) zoning district, at 1347 Bermuda Road.

PETITION NO: D8-2022-2260 CZ-22-1246090

PROPOSED USE: Modify zoning conditions to reduce single-family, detached lots from 19 to 6, units per acre.

LOCATION: 1347 Bermuda Road, Stone Mountain, Georgia 30087

PARCEL NO. : 18-083-01-010

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Future Capital Investment for a Major Modification to zoning conditions pursuant to CZ-20-1243972 to reduce the number of single-family detached lots from 19 to 6 lots in the RSM (Small Lot Residential Mix) zoning district. The property is located on the southwest side of Bermuda Road,

approximately 670 feet north of Malvern Boulevard, at 1347 Bermuda Road in Stone Mountain, Georgia. The property has approximately 500 feet of frontage along Bermuda Road and contains 6.66 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (Dec. 13, 2022) Deferral. (Oct. 18, 2022) Approval.

PLANNING COMMISSION: (January 5, 2023) Denial. (November 1, 2022) Full Cycle Deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: This application was deferred from the November 17, 2022 Board of Commissioners meeting to allow the applicant time to redesign the project to comply with the private street requirements of the Transportation Department (*i.e. the plan shows a private “drive”, but a private “road” is required to access the six proposed lots which requires greater pavement and right-of-way width*) and also comply with storm water management requirements of Land Development Division. While it appears that the applicant has now satisfied the storm water management requirements, the applicant has still not addressed the Transportation Department requirements to provide a private road access to these lots. Planning Department met with the applicant on December 7, 2022 and discussed potential design alternatives, but as of the time of this writing there have been no new plans submitted to address transportation compliance. The property was originally rezoned from R-100 (Residential Medium Lot-100) to RSM (Small Lot Residential Mix) district on September 24, 2020 by the Board of Commissioners to allow up to 19 single-family, detached homes, maximum building height of two-stories, and minimum lot sizes of 8,000 square feet. The RSM zoning was approved with several conditions per case CZ-22-1243972 (see attached) including general compliance to a site plan (Condition #2) and that individual homes shall not face or have direct access to Bermuda Road (Condition #10). The applicant is proposing to amend these two conditions by decreasing from 19 to 6 single-family lots and allowing the proposed homes to face Bermuda Road. The applicant indicates that due to significant topographical issues, infrastructure and grading costs have made the original approved RSM plan cost prohibitive. In response to these issues, the applicant is proposing to drop the number of lots from 19 to 6 which should result in less land and tree disturbance, less traffic impacts on Bermuda Road, less school capacity impacts, and less potential flooding impacts. Additionally, the applicant is increasing the minimum lot size from 8,000 to 19,000 square feet and maintaining the two-story maximum building height to enhance compatibility with the adjacent and surrounding single-family detached subdivisions. The revised plan continues to provide a minimum of 20% open space and a 20-foot transitional buffer around the perimeter of the site. The proposed larger lot sizes, two-story building heights, transitional buffers, open space, and significant reduction in number of lots appear to be more consistent with the predominant single-family, detached development pattern in the area and should result in less potential traffic, school capacity, loss of tree cover, and flooding impacts. Notwithstanding these positive site plan features, the revised plan proposes a different access and building orientation scenario than what was originally approved. The previously approved plan provided access to all the homes via a new public street with all units facing the interior of the project site, while the proposed plan provides access via a shared access driveway with all units fronting along and facing Bermuda Road (see attached). Since the plan has been reviewed by the Transportation Department and the Planning Department and does not comply with the County’s private road access requirements, it is the recommendation of the Planning & Sustainability Department that the request be, respectfully, “Denied”.

PLANNING COMMISSION VOTE: (January 5, 2023) Denial 9-0-0. LaSonya Osler moved, Jana Johnson seconded for Denial, per Staff recommendation. (November 1, 2023) Full Cycle Deferral 7-1-0. Jon West moved, Jan Costello seconded for a full cycle deferral to the January 2023 zoning agenda, per Staff recommendation. Tess Snipes opposed.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Dec. 13, 2022) Deferral 8-0-0. (Oct. 18, 2022) Approval 9-0-0.