



Legislation Details (With Text)

File #: 2023-1149 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 9/12/2023 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 11/16/2023 **Final action:**
Title: COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 06
 Application of Old Fourth Group, LLC c/o Craig Moore for a major modification of zoning condition #1 and #4, pursuant to Z-22- 1246088 to remove/modify the limited use of the property within the M (Light Industrial) zoning district, at 2179 Bouldercrest Road.

Indexes:

Attachments: 1. CZ-23-1246655 BOC Recommended Conditions, 2. CZ-23-1246655 Nov 2023 BOC Staff Report 2179 Bouldercrest Road

Date	Ver.	Action By	Action	Result
11/16/2023	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
11/2/2023	1	Planning Commission	approved with conditions per staff recommendation	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 06
Application of Old Fourth Group, LLC c/o Craig Moore for a major modification of zoning condition #1 and #4, pursuant to Z-22- 1246088 to remove/modify the limited use of the property within the M (Light Industrial) zoning district, at 2179 Bouldercrest Road.

PETITION NO: N6-2023-1149 CZ-23-1246655

PROPOSED USE: Removal of zoning conditions that limit the use of the property.

LOCATION: 2179 Bouldercrest Road, Atlanta, Georgia 30316

PARCEL NO. : 15-083-01-013

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Old Fourth Group, LLC c/o Craig Moore for a major modification of zoning condition #1 and #4, pursuant to Z-22-1246088 to remove/modify the limited use of the property within the M (Light Industrial) zoning district.

RECOMMENDATION:

COMMUNITY COUNCIL: Full Cycle Deferral.

PLANNING COMMISSION: Approval with Conditions.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The property was rezoned to M (Light Industrial) on November 17, 2022 with five (5) zoning conditions which included limiting the use of the property to a distillery in the existing building and prohibiting *late night establishments* and *nightclubs*. Due to current market conditions, the applicant indicates that a distillery is no longer a viable use and is requesting that the use restriction be removed. Based on discussion at the District 3 Community Council meeting on October 4, 2023, a local neighborhood group (Southwest DeKalb Neighborhood Alliance) (SDNA) supports removing the use restriction to allow other viable economic uses allowed under the M (Light Industrial) Zoning District that would encourage community gathering spaces and the creation of jobs in the area. Toward that end, the SDNA and the applicant have recommended that several land uses be prohibited (see attached prohibited use list) which are included in Staff's recommended zoning conditions. Since any proposed land uses would be limited to operating in the existing building as requested by the applicant, it appears that allowing a broad scope of uses permitted in the M district is consistent with the surrounding M (Light Industrial) zoning pattern to the north, west, and south and is appropriate along a major, arterial road (i.e., Bouldercrest Road). Furthermore, it appears that the proposed changes do not impact the rezoning criteria as the request remains consistent with the *DeKalb 2050 Unified Plan*, is not anticipated to cause a burdensome use of existing streets, utilities, or schools, and should not adversely impact surrounding properties or historic buildings and sites. Late night establishments and nightclubs would continue to be prohibited to minimize adverse impacts to residential areas to the east across Bouldercrest Road. Therefore, it is the recommendation of the Planning & Sustainability Department that the request be "Approved with conditions" (proposed deletions of previous zoning conditions are in ~~strikethrough~~ and proposed additions are in bold blue and include land uses requested by the Planning Commission at the November 2nd public hearing).

PLANNING COMMISSION VOTE: Approval of modified conditions 8-0-0. Vivian Moore moved, Jon West seconded for approval of the modified conditions, with the following additional restrictions: check cashing, pawn shops, sale or repair of firearms, sale of ammunition.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Full Cycle Deferral. Community Council District 3 recommended a full cycle deferral to ensure that all surrounding and nearby neighborhoods could be invited to community meeting to review the plan and have opportunity for public input.