



## Legislation Text

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File #: 2023-0338, Version: 1

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

**SUBJECT:**

**COMMISSION DISTRICT(S):** Commission District 03 Super District 06

Application of Emily M. Johnson to rezone properties from the Bouldercrest Overlay District Tier 5, with underlying zoning of C-1 (Local Commercial) and R-100 (Residential Medium Lot-100) zoning districts to the Bouldercrest Overlay District Tier 3, with underlying zoning of C-1 (Local Commercial) zoning district for the expansion of the existing Safe Haven office building, at 2001 River Road and 2938 Bouldercrest Road.

**PETITION NO:** D2-2023-0338 Z-23-1246384

**PROPOSED USE:** To rezone properties from the Bouldercrest Overlay District Tier 5.

**LOCATION:** 2001 River Road and 2938 Bouldercrest Road, Ellenwood, Georgia 30294.

**PARCEL NO. :** 15-053-03-001, 15-044-09-030

**INFO. CONTACT:** John Reid, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of Emily M. Johnson to rezone properties from the Bouldercrest Overlay District Tier 5, with underlying zoning of C-1 (Local Commercial) and R-100 (Residential Medium Lot-100) zoning districts to the Bouldercrest Overlay District Tier 3, with underlying zoning of C-1 (Local Commercial) zoning district for the expansion of the existing Safe Haven office building. The property is located on the east side of Bouldercrest Road, the north side of Old River Road, and the south side of River Road, at 2001 River Road and 2938 Bouldercrest Road in Ellenwood, Georgia. The property has approximately 325 feet of frontage along Bouldercrest Road, 255 feet of frontage along Old River Road, and 106 feet of frontage along River Road and contains 1.5 acres.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** (Aug. 9, 2023) Two Cycle Deferral. (Apr. 12, 2023) Denial.

**PLANNING COMMISSION:** (Sept. 12, 2023) Denial. (May 2, 2023) Denial.

**PLANNING STAFF:** Denial.

**STAFF ANALYSIS:** The applicant proposes to rezone from Tier 5 (single-family) to Tier 3 (low intensity mixed -use) of the Bouldercrest Overlay District (BOD) to allow expansion of their existing office building. Tier 3 of the BOD is intended to provide a small-scale mixture of commercial and residential uses around the

Bouldercrest/Cedar Grove Road intersection. Located over one mile away from that intersection, the subject properties are within and surrounded by Tier 5 overlay zoning, which restricts land use to primarily single-family detached and calls for the protection of stable neighborhoods. Additionally, the proposed development does not provide a 50-foot-wide undisturbed buffer along the eastern property line abutting a single-family neighborhood as required by the *Zoning Ordinance* (50-foot buffer required, no buffer provided). The rezoning of these two parcels to Tier 3 would be inconsistent with the surrounding Tier 5 zoning and may be inconsistent with the policies and strategies of the Suburban (SUB) Character Area to protect stable neighborhoods from incompatible development that could alter established single-family residential development patterns. While there appear to be some non-conforming commercial uses on some of the underlying C-1 zoned properties in the vicinity of the River Road/Bouldercrest Road intersection, the rezoning proposal is not consistent with the intent of the BOD to focus Tier 3 development around the Bouldercrest/Cedar Grove Road intersection. The applicant was tasked with demonstrating community support for a change to allow Tier 3 at River Road/Bouldercrest Road, but nothing has materialized. While Planning Department acknowledges that the applicant is wanting to provide an essential community service, the proposed expansion of those services on the subject properties is not an appropriate location based on the goals of the SUB Character area of the Comprehensive Plan and the purpose and intent of the BOD. Staff recommends “Denial of the request”.

**PLANNING COMMISSION VOTE: (September 12, 2023) Denial 7-0-0.** Vivian Moore moved, Jan Costello seconded for denial, per Staff recommendation. **(May 2, 2023) Denial 8-0-0.** Vivian Moore moved, Jana Johnson seconded for Denial, per Staff recommendation.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Aug. 9, 2023) Two-cycle deferral 6-0-0. (April 12, 2023) Denial 4-2-0.** Discussion included whether non-residential use was appropriate in this area zoned Tier 5 Bouldercrest Overlay which is restricted to single-family residential uses, but the area also appeared to include a few existing grandfathered non-residential uses.