

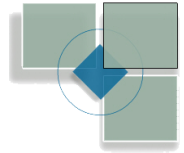


DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500

Decatur, GA 30030

(404) 371-2155 / plandev@dekalbcountyga.gov



Michael Thurmond
Chief Executive Officer

Planning Commission Hearing Date: September 6, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: September 25, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: SLUP-18-1235010 **Agenda #:** N4

Location/Address: 2501 Columbia Drive, Decatur, Georgia **Commission District:** 3 **Super District:** 7

Parcel ID: 15 122 01 016

Request: For a Special Land Use Permit (SLUP) to expand the canopy over the fueling stations and add one (1) fuel pump on property in Tier 2 of the Interstate 20 Corridor Compatible Use Overlay District and the C-1 (Local Commercial) District.

Property Owner: Siasim Columbia LLC

Applicant/Agent: Siasim Columbia LLC

Acreage: .84 acres

Existing Land Use: Convenience Store/Gas Station

Surrounding Properties: A private school (Reading World Academy) and Interstate 20 to the north; vacant land and a medical office to the east across Columbia Drive; and multi-family apartments to the west and south.

Adjacent Zoning: **North:** C-1 **South:** MR-2 **East:** C-1 & O-I **West:** MR-2

Comprehensive Plan: SUB **Consistent** **Inconsistent**

Proposed Density: NA **Existing Density:** NA
Proposed Units/Square Ft.: Expand gas canopy and add one fueling station **Existing Units/Square Feet:** Convenience Store with two gas pumps
Proposed Lot Coverage: NA **Existing Lot Coverage:** NA

ZONING HISTORY

The property has been zoned C-1 since the initial adoption of the DeKalb County Zoning Ordinance in 1956.

PROJECT ANALYSIS

The project site contains an existing Citgo convenience store with two fuel pumps which can service four vehicles at a time. The applicant proposes to expand the gas canopy to allow the addition of one gas pump. There are no proposed changes to the existing convenience store or the parking lot. There are two driveways which provide access to Columbia Drive, a four-lane minor arterial road with sidewalks, curb, and gutter. The property is flat, with no floodplains or streams running through or near the property based on the submitted site plan. The property is surrounded by a private school (Reading World Academy) and Interstate 20 to the north; vacant land and a medical office to the east across Columbia Drive; and multi-family apartments to the west and south.

Section 4.2.28 of the Zoning Ordinance requires the follow Supplemental Regulations for Fuel Pumps:

4.2.28 Fuel pumps, accessory.

Fuel pumps as accessory uses shall comply with the following standards:

- A. The primary building (i.e., convenience store or automobile service station) shall conform to all primary building setbacks. *The convenience store is an existing building so this criteria is not applicable.*
- B. Canopies covering gasoline dispensers shall be set back not less than fifteen (15) feet from all street rights-of-way. *Based on submitted plan, the proposed canopy will be located 15 feet away from the Columbia Drive right-of-way.*
- C. The canopy shall not exceed the height of the principal building, but in no case shall exceed twenty (20) feet in height. *This is a recommended condition of SLUP approval.*
- D. The canopy and its columns shall be complementary to the overall color scheme and building materials scheme of the building façade to which the canopy is accessory. *This is a recommended condition of SLUP approval.*
- E. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than thirty (30) minutes after closure of the facility. *This is a recommended condition of SLUP approval.*
- F. Automobile service stations with gas sales shall have a capacity to store one (1) car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow. Based on submitted plan it appears that each pump can store 1 care per bay. *The proposed three gas pumps can service six vehicles at time.*
- G. A minimum of thirty (30) feet is required between a property line and the nearest gasoline pump. *The submitted side plan shows existing non-conforming gas pumps at a distance of only 20 feet from the Columbia Drive right-of-way. The proposed project will not increase this non-conformity.*

IMPACT ANALYSIS

Section 7.4.6 of the DeKalb County Code states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit.

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including 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:**

Based on the submitted information, as well as field investigation of the project site, it appears that the size of the site is adequate for the use contemplated as the proposed request is only to expand the existing gas canopy and add one fuel pump. The proposed additional gas pump will be no closer to Columbia Drive than the existing gas pumps, and the canopy height will remain the same. A recommended condition of SLUP approval will

require that the canopy shall not exceed the height of the principal building, but in no case shall exceed twenty (20) feet in height.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:

The applicant is only proposing to expand the existing gas canopy and add one additional fuel pump. The proposed minor expansion should not impact the existing convenience store and gas station's compatibility with surrounding properties.

C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:

Based on the submitted information, it appears that public transportation facilities are adequate to service the use contemplated. There will be no impact on schools since the proposed use is nonresidential. There is no burdensome impact anticipated on public utilities since the proposed use will be located in an established commercial building. Per comments from the Department of Public Works, due to the high volume of development in the area causing increased flows, sanitary sewer capacity cannot be guaranteed at the time the development comes on line.

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 proposed use, so as not to unduly increase traffic or create congestion in the area:

Based on the submitted site plan and information, as well as field investigation of the project site, the public street on which the proposed use is to be located is adequate and will not unduly increase traffic congestion since the request is only to add an additional fuel pump and expand the existing gas canopy (Columbia Drive).

E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that the existing land uses located along access routes to the site would not be adversely affected by the character of the vehicles or the volume of traffic generated since the request is only to add an additional fuel pump and expand the existing gas canopy (Columbia Drive).

F. 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 fire or other emergency:

Based on the submitted site plan and information, as well as field investigation of the project site, it appears that ingress and egress to the subject property is adequate since the request is only to add an additional fuel pump and expand the existing gas canopy (Columbia Drive).

G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:

The proposed minor expansion of the existing gas canopy and additional fuel pump is not anticipated to create any adverse impact upon adjoining land uses.

H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:

See "G" above.

I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:

See criteria "H".

J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:

See criteria "A" and compliance table.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:

It appears that the proposed minor expansion of accessory gas pumps is consistent with the policies and strategies of the Comprehensive Plan's Suburban (SUB) character area calling for small-scale convenience goods/services to meet the needs of the surrounding residents (SUB Policy #3).

L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:

The I-20 overlay does not require any transitional buffers since the subject property does not abut any residential-zoned properties that are outside of the I-20 Overlay District. Notwithstanding this issue, the subject property already provides a 40-foot wide undisturbed buffer along the western property line which abuts multi-family apartments.

M. Whether or not there is adequate provision of refuse and service areas:

Based on the submitted information, refuse and service areas appear to be ample and adequate since the proposed use is located within an established commercial building.

N. Whether the length of time for which the special land use permit is granted should be limited in duration:

Given that this is only a minor expansion of an existing fuel station, it does not appear that the SLUP should be limited in duration.

O. Whether or not 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:

There are no new buildings proposed as the request is only for a minor expansion to an existing fuel station. The proposed gas canopy height will remain which is less than the height of the existing 23 foot tall convenience store as required by the Supplemental Regulations for Fuel Pumps. This is also a recommended condition of SLUP approval.

P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:

Based on the submitted site plan and information, as well as field investigation of the project site, it does not appear that the proposed plan would adversely affect 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 permit:

Based on county records, it appears that there is compliance with Section 4.2.28 as follows:

Fuel pumps as accessory uses shall comply with the following standards:

- A. The primary building (i.e., convenience store or automobile service station) shall conform to all primary building setbacks. *The convenience store is an existing building so this criteria is not applicable.*
- B. Canopies covering gasoline dispensers shall be set back not less than fifteen (15) feet from all street rights-of-way. *Based on submitted plan, the proposed canopy will be located 15 feet away from the Columbia Drive right-of-way.*
- C. The canopy shall not exceed the height of the principal building, but in no case shall exceed twenty (20) feet in height. *This is a recommended condition of SLUP approval.*
- D. The canopy and its columns shall be complementary to the overall color scheme and building materials scheme of the building façade to which the canopy is accessory. *This is a recommended condition of SLUP approval.*
- E. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than thirty (30) minutes after closure of the facility. *This is a recommended condition of SLUP approval.*
- F. Automobile service stations with gas sales shall have a capacity to store one (1) car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow. Based on submitted plan it appears that each pump can store 1 care per bay. *The proposed three gas pumps can service six vehicles at time.*
- G. A minimum of thirty (30) feet is required between a property line and the nearest gasoline pump. *The submitted side plan shows existing non-conforming gas pumps at a distance of only 20 feet from the Columbia Drive right-of-way. The proposed project will not increase this non-conformity.*

R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:

There are no new buildings proposed as the request is only for a minor expansion to an existing fuel station. The proposed gas canopy height will remain the same which is less than the height of the existing 23 foot tall convenience store as required by the Supplemental Regulations for Fuel Pumps. Therefore it does not appear that the proposed request would create a negative shadow impact an any adjoining lot or building.

S. Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area:

The request is only for a minor expansion of an existing fuel station.

T. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:

It appears that the proposed minor expansion of accessory gas pumps is consistent with the policies and strategies of the Comprehensive Plan's Suburban (SUB) character area calling for small-scale convenience goods/services to meet the needs of the surrounding residents (SUB Policy #3). The applicant is only proposing to expand the existing gas canopy and add one additional fuel pump. The proposed expansion should not impact the existing convenience store and gas station's compatibility with surrounding properties.

COMPLIANCE WITH TIER 2 I-20 OVERLAY DISTRICT STANDARDS

STANDARD		REQUIREMENT (I-20 Overlay, Tier 2)	PROPOSED/EXISTING	COMPLIANCE
LOT WIDTH		No minimum required	204 feet	Yes
LOT AREA		No minimum required	36,590 sf (.84 acres)	Yes
YARD SETBACKS	FRONT	0 ft	80 feet	Yes
	INTERIOR SIDE	10 feet	30 feet	Yes
	REAR	10 feet	50 feet	Yes
TRANS. BUFFERS (I-20 Overlay District only requires if abutting MR is external to I-20 Boundary)		None required	40 feet	Yes
HEIGHT		8 stories	1 story	Yes
PARKING		10 spaces	22 spaces (includes gas pump parking spaces)	Yes
GAS CANOPY SETBACK		Must be at least 15 feet from street right-of-way	15 feet from ROW	Yes
GAS PUMP SETBACK		Must be at least 30 feet from any property line. Primary building of gas pumps must conform to all primary building setbacks.	Nearest property line is 20 feet away. Primary building conforms to all building setbacks	No <i>(However, legal nonconforming existing condition)</i> Yes
GAS CANOPY HEIGHT		Cannot be taller than the principal building and in no case can be taller than 20 feet	No information provided.	A recommended condition of SLUP approval will require the gas canopy height to not exceed the height of the principal building and in no case be taller than 20 feet.
STREET TREES		Min. 10 ft wide landscape strip along Redan Road	None provided	No <i>(Appropriate Landscaping for this non-conforming site will be a</i>

	and planted at one tree for every 30 feet.		<i>recommended condition of SLUP approval)</i>
SIDEWALKS	10 ft along Columbia Drive	5 ft wide along Columbia Drive	No <i>(However, site is legal non-conforming and sidewalks already exist)</i>

Staff Recommendation: APPROVE WITH CONDITIONS (Revised 9/7/18)

The proposed SLUP is required to allow the addition of one gas pump. The gas canopy will be extended to accommodate the additional fuel pump. There are no proposed changes to the existing convenience store or the parking lot. The proposed gas pumps will be located no closer to the Columbia Drive right-of-way than the existing gas pumps, and the proposed gas canopy expansion will be no taller than the existing gas canopy or the existing 23-foot tall convenience store. Therefore, it does not appear that the proposed expansion would adversely impact adjacent and surrounding properties. Based on input from the Planning Commission meeting, Staff has revised the recommended conditions to modify Condition #3 and added a condition that restricted uses be put into the rental lease. It is the recommendation of the Planning & Sustainability Department that the application be “Approved, with Staff’s recommended conditions”.

1. The canopy shall not exceed the height of the principal building, but in no case shall exceed twenty (20) feet in height.
2. The canopy and its columns shall be complimentary to the overall color scheme and building materials scheme of the existing building façade.
3. Canopy lighting shall not extend beyond the area beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward and shall not have any spillover to adjacent properties.
4. Street trees and additional landscaping may be required within the existing grassy area along Columbia Drive subject to approval of the County Arborist and the Planning Department.
5. All ground signs shall be monument style signs with a base and framework made of brick. The design of ground signs must comply with the I-20 overlay District Design Guidelines.
6. Restricted uses shall be put into the lease.

Attachments:

1. Departmental Comments
 - a. Land Development Division
 - b. Traffic Engineering Division

- c. Watershed Management
 - d. Board of Health
2. Application
 3. Site Plan
 4. Zoning Map
 5. Aerial Photograph
 6. Location Photographs

NEXT STEPS: Following an approval of this action, one or several of the following approvals or permits may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ✓ **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. zoning, site development, watershed and health department standards will be checked for compliance.)*
- ✓ **Certificate of Occupancy** *(Required prior to occupation of a commercial space and for use of property for any business type. The issuance follows the review of submitted plans if required based on the type occupancy.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Historic Preservation Certificate of Appropriateness** *(Required for any proposed changes to building exteriors or improvements to land when a property is located within the Druid Hills Historic District or the Soapstone Geological Historic District. Historic Preservation Committee public hearing may be required.)*
- **Variance or Special Exception** *(Required to seek relief from any development standards of the Zoning Ordinance A public hearing and action by the Board of Appeals are required for most variances.)*
- **Major Modification** *(Required if there are any changes to zoning conditions approved by the Board of Commissioner on a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- ✓ **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above require submittal



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: SLUP-18-1235010 Parcel I.D. #: 15-12201.016

Address: 2501
COLUMBIA DR
DECATUR, GA.

Adjacent Roadway (s):

(classification)

(classification)

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Capacity (TPD) _____
Latest Count (TPD) _____
Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____
Existing right of way width _____
Proposed number of traffic lanes _____
Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

<u>PLANS AND FIELD REVIEWED, NO PROBLEM THAT WOULD INTERFERE</u>
<u>WITH TRAFFIC FLOW.</u>

Signature: Jerry White Jr

DEKALB COUNTY



Board of Health

8/24/2018

To: Ms. Madolyn Spann, Planning Manager
Mr. John Reid, Senior Planner
From: Ryan Cira, Environmental Health Manager
Cc: Alan Gaines, Technical Services Manager
Re: Rezone Application Review

General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for

- multiple dwellings
- food service establishments
- hotels and motels
- commercial laundries
- funeral homes
- schools
- nursing care facilities
- personal care homes with more than six (6) clients
- child or adult day care facilities with more than six (6) clients
- residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb County Board of Health

Reid, John

From: Hill, LaSondra
Sent: Monday, August 20, 2018 7:26 AM
To: Hill, Karen F.; Reid, John; Furman, Melora L.; Brewer, Brian N.; Washington, Larry
Cc: Alexander, Michelle M.; Eisenberg, Marian
Subject: FW: Request for Inter-Departmental Comments

From: Keeter, Patrece
Sent: Friday, August 17, 2018 4:41 PM
To: Hill, LaSondra <lahill@dekalbcountyga.gov>
Cc: Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>
Subject: RE: Request for Inter-Departmental Comments

On Case N.10- The access point on Candler Road should be limited to right in-right out.

From: Keeter, Patrece
Sent: Monday, August 13, 2018 12:01 PM
To: Hill, LaSondra <lahill@dekalbcountyga.gov>
Cc: Alexander, Michelle M. <mmalexander@dekalbcountyga.gov>
Subject: RE: Request for Inter-Departmental Comments

- N1. Lawrenceville Hwy is a major arterial on a state route. Dedicate right of way at least 50 from centerline. Install sidewalks along property frontage (ensure sidewalks are within right of way). GDOT review and permits required. Street lights required 1 foot behind sidewalks on right of way.
- N2. Clairmont Road is a major arterial on a state route. Dedicate right of way at least 50 from centerline. GDOT review and permits required.
- N3. Braircliff Road is a minor arterial and state route. GDOT review and permits required. No access allowed onto Braircliff Road.
- N4. No Comments.
- N5. No Comments.
- N6. No Comments.
- N7. No Comments.
- N8 & N9. Columbia Drive is a minor arterial. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) 40 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. As shown in the application, interior roads must be private.
- N10. Candler Road is a major arterial and a state route. GDOT review and permits required. Kelly Lake Road is a local road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.) Right of way dedication of 50 from centerline on Candler Road, 6 foot sidewalks. Right of way dedication on Kelly Lake Road 27.5 feet from centerline, 5 foot sidewalks. Extend sidewalks along Kelly Lake Road within existing right of way to Candler Road. Street Lights required on back of sidewalk within right of way along both frontages. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of

permit. (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect.)

N11. Treadway Road is classified local. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect.

Overlay Districts trump both of the above.) Public local roads require a 27.5 foot right of way from the centerline (for a total of 55 feet), 5 foot sidewalks, 5 foot landscape strip and street lights within the right of way. The right of way width show on the application does not seem to meet the 55 feet for the interior streets. Cul-de-sac appears to be substandard also. These will need to be corrected prior to permitting and will impact storm detention, setbacks, etc.

N12. McClendon is a collector street. Allow only one standard size commercial curb cut on McClendon Dr. Install sidewalks along property frontage. Street lights required behind sidewalk within right of way at permitting.

N13. Memorial Drive is a major arterial and a state route. GDOT review and permits required.

N14. Memorial Drive is a major arterial and a state route. GDOT review and permits required. Eliminate a curb cut on 6158 and restore streetscape.

N15. Snapfinger Road is a major arterial. Site limited to right in/right out access point.

N16. Rockbridge Road is a minor arterial. . See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect.

Overlay Districts trump both of the above.) 40 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. Construct sidewalks along Rockbridge Road to Allgood Circle within right of way. Limited to one access point onto Rockbridge Road.

N17. Bermuda Road is a collector road. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect.

Overlay Districts trump both of the above.) 35 foot right of way dedication from centerline. 6 foot sidewalks, 4 foot bike lanes. Street lights behind the sidewalk within right of way. Add roundabout at the intersection of Stewart Mill Road and Bermuda Road. Gordon Burkett at Keep DeKalb Beautiful is working on the concept for this project. Add sidewalks and street lights along Bermuda Road (within right of way) to the intersection of Stewart Mill Road. Complete all requirements of GRTA's notice of decision that are within DeKalb County. Design to restrict truck movements from using Stewart Mill Road to get to Rockbridge Road.

N18. Norris Lake is a collector road. Pleasant Hill is a minor arterial. Pleasant Hill Way is a local road. Pleasant Hill Way appears to be public in some areas where the development is proposed. I assume they are planning an right of way abandonment. Provide ped/bike access from the neighborhood into the park, as approved by the Parks and Recreation Department. Frontage on Pleasant Hill Way must be improved to Code also. 339 lots requires a traffic study be completed prior to zoning. Traffic study should include the access points and the intersection of Norris Lake

Road/Humphries at Pleasant Hill Road. Left turn lane required on Pleasant Hill Road. Add sidewalks along frontage of Norris Lake Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Add sidewalks along frontage of Pleasant Hill Road and extend to the intersection of Norris Lake Road/Humphries at Pleasant Hill Road. Consider moving the roundabout to Pleasant Hill Road. **Request deferral until the study is received.** Norris Lake requires right of way dedication of 35' from centerline, 6 foot sidewalks, 4 foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Road requires right of way dedication of 40' from centerline, 6 foot sidewalks, 4 foot bike lanes and street lights on back of curb within the proposed right of way. Pleasant Hill Way right of way dedication of 27.5' from centerline, 12 foot travel lane on the development side from centerline, 5 foot sidewalks and street light on back of curb within the proposed right of way.

N19. No Comments.

N20 & N21.. Rock Chapel Road is a major arterial and state route. GDOT review and permits required at permitting. See Section 5.4.3 of the Zoning Code for required improvements and Section 14-190 of the Land Development Code for required infrastructure improvements at time of permit. . (The Zoning Code trumps the Land Development Code- but when the Zoning Code is silent, the Land Development Code takes effect. Overlay Districts trump both of the above.)

N22. S. Stone Mountain Lithonia Road is a minor arterial. Add sidewalks and street lights behind sidewalks and within right of way along property frontage and dedicate 40 feet of right of way from centerline.



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: SLUP-18-1235010

Parcel I.D. #: 15-122-01-016

Address: 2501 Columbia Drive

Decatur, Georgia

WATER:

Size of existing water main: 6" CI, 6" DI, & 8" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to the Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: Cobb Fowler Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: Snapfinger Creek WTF () adequate () inadequate

Sewage Capacity: * (MGPD) Current Flow: 21.77 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

Signature: 

DOCUMENTED IMPACT ANALYSIS

and

Other Material Required by
DeKalb County Zoning Ordinance

For

SPECIAL LAND USE PERMIT

.8437 acres of land
located at
2501 Columbia Drive
Decatur, Georgia
Land Lot 122, 15th District

Submitted for

SAISIM COLUMBIA, LLC

by:

M. Hakim Hilliard, Esquire
Hilliard Starkey Law
260 Peachtree Street, Suite 401
Atlanta, Georgia 30303
404.389.9085 (wk)
hhilliard@hstarlaw.com



INTRODUCTION

This Application is related to an existing convenience store with fuel pumps located at 2501 Columbia Drive, Decatur, Georgia. Specifically, it consists of approximately .8437 acres of land located in Land Lot 122 of the 15th District, DeKalb County, Georgia (hereinafter referred to as the "Subject Property"). The Applicant seeks to redevelop the Subject Property by adding one additional fuel pump, by extending the existing canopy located over the fuel pumps and by otherwise upgrading the other systems on site (ie. lighting, signage, etc.)

To accommodate the proposed redevelopment, the Applicant has filed the foregoing request for a special land use permit. The Applicant conducted a pre-submittal community meeting on May 30, 2018 and intends to continue to meet with the impacted neighborhood, formally and informally, to discuss any appropriate conditions related to this request. Based upon our discussions thus far, the following conditions are proposed by the Applicant:

1. The Subject Property shall be developed substantially in accordance with the Site Plan filed herewith.
2. Any exterior lights shall be screened, shielded, and/or shaded so as to minimize glare on adjacent properties.
3. The Subject Property shall be maintained in compliance with the rules and regulations applicable to convenience store and fuel stations in DeKalb County.

This document is submitted as a Documented Impact Analysis with regard to this Application and as the impact analysis report as required by the DeKalb County Zoning Ordinance.

A.

Adequacy of the size of the site for use contemplated and whether or not adequate land area is available for the proposed use including 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;

An existing convenience store and fuel pumps are located on the Subject Property. The site and land area are adequate to accommodate the subject redevelopment project. All other development

standards applicable to the Subject Property are in conformity with the applicable requirements in the DeKalb County Code of Ordinances.

B.

Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;

The location of the Subject Property adjacent to I-20 continues to be a suitable and appropriate location for a convenience store and fuel station use.

C.

Adequacy of public services, public facilities, and utilities to serve the use contemplated;

This project, if approved, certainly will not affect existing transportation facilities to any greater degree than the existing convenience store and fuel station location on the Subject Property. Requisite parking is provided incidental to this development. The proposed development shall continue to provide two points of ingress and egress to the Subject Property on Columbia Drive. The Applicant does not anticipate any measurable increase in traffic based upon the redevelopment of the Subject Property as proposed.

The Applicant is not currently aware of any capacity limitations to this project, but will work closely with the relevant departments of DeKalb County to ensure adequate capacity as the project is developed. Adequate stormwater management practices and construction methods will be employed as the project is developed.

All affected providers of utilities have indicated availability thereof to this site.

Schools will not be impacted in any way by the proposed development.

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;

The Subject Property fronts on Columbia Drive and it is more than adequate to continue to handle the traffic to and from the Subject Property subsequent to the redevelopment of the site. Any associated increase in traffic to the Subject Property shall be minimal.

E.

Whether or not 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;

Approval of the subject Application should not adversely impact existing land uses located along access routes to the site to any degree beyond the current circumstances.

F.

Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular references to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

The Application contemplates no change to the current ingress and egress to the Subject Property.

G.

Whether or not 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 Application contemplates no change to the current conditions associated with the Subject Property.

H.

Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

The Application contemplates no change to the current conditions associated with the Subject Property.

I.

Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

The Application contemplates no change to the current conditions associated with the Subject Property.

J.

Whether or not the proposed plan is consistent with all of the requirements of the zoning district classification in which the use is proposed to be located;

The proposed plan involves only the minor redevelopment of a permitted use on the Subject Property

K.

Whether or not the proposed use is consistent with the policies of the Comprehensive Plan;

The County's Comprehensive Development Plan consists of a text and series of maps. The Plan is accompanied by a procedure to link changes in zoning with corresponding changes in the Plan in order to avoid repeating the situation in which a static land use plan and an evolving zoning map become increasingly out of step with each other. Thus, with an updated Plan in effect and a mandatory planning-zoning consistency mechanism in place, it is extremely important that any rezoning request, such as this one, be based on sound land use planning and comprehensive planning principles.

The Plan designation associated with the Subject Property is consistent with the proposed plan and the Applicant submits that said proposal would be developed in a manner that effectively implement stated policies for this area of the DeKalb County.

L.

Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;

The Application contemplates no change to the current conditions associated with the Subject Property.

M.

Whether or not there is adequate provision of refuse and service areas;

The Application contemplates no change to the current conditions associated with the Subject Property. Adequate provisions for refuse and service areas are currently provided.

N.

Whether the length of time for which the special land use permit is granted s
should be limited in duration;

No. The changes proposed by the Applicant in this instance will be permanent and, therefore, the Applicant submits that this request should not be permitted on a limited basis.

O.

Whether or not 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 the adjacent and nearby lots and buildings;

The Application contemplates no change to the current conditions associated with the Subject Property. The size, scale and massing of the existing buildings are in compliance with the applicable development standards.

P.

Whether the proposed plan will adversely affect historic buildings, sites, districts,
or archaeological resources;

No.

Q.

Whether the proposed use satisfies the requirements contained within the
Supplemental Regulations for such special land use permit;

The Application contemplates no change to the current conditions associated with the Subject Property.

R.

Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building;

The Application contemplates no change to the current conditions associated with the Subject Property.

S.

Whether the proposed use would result in a disproportional proliferation of that or similar uses in the subject character area;

The Application contemplates no change to the current conditions associated with the Subject Property.

T.

Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan.

The Application contemplates no change to the current conditions associated with the Subject Property. Adequate provisions for refuse and service areas are currently provided.

CONCLUSION

Based upon the foregoing, the Applicant, on behalf the owners of the tract of land at issue in this rezoning application (the "Property"), respectfully submits that the Zoning Ordinance of the DeKalb County, Georgia, as amended from time to time and known as the "DeKalb County Zoning Ordinance", to the extent that it classifies the Property in any zoning district which would preclude the Special Land Use Permit requested herein, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Property pursuant to the DeKalb County Zoning Ordinance deprives the current owner of any alternative reasonable use and development of the Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and those requested

herein, would deprive the current owner of any reasonable use and development of the Property. Further, any attempt by the Planning Commission or the DeKalb County Commission to impose greater restrictions upon the manner in which the property will be developed than presently exist would be equally unlawful.

Accordingly, Applicant submits that any other more extensive conditions imposed on the Property save for what has been requested by it as established in the DeKalb County Zoning Ordinance constitute an arbitrary and unreasonable use of the zoning and police powers because it bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Property owners. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the Property owner. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

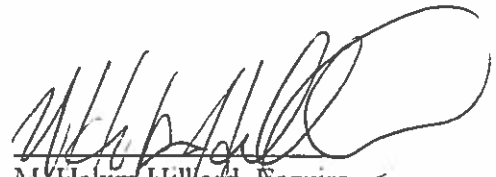
Further, the Applicant respectfully submits that the failure to approve the requested special land use permit would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Property owner and owners of similarly situated property in

violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

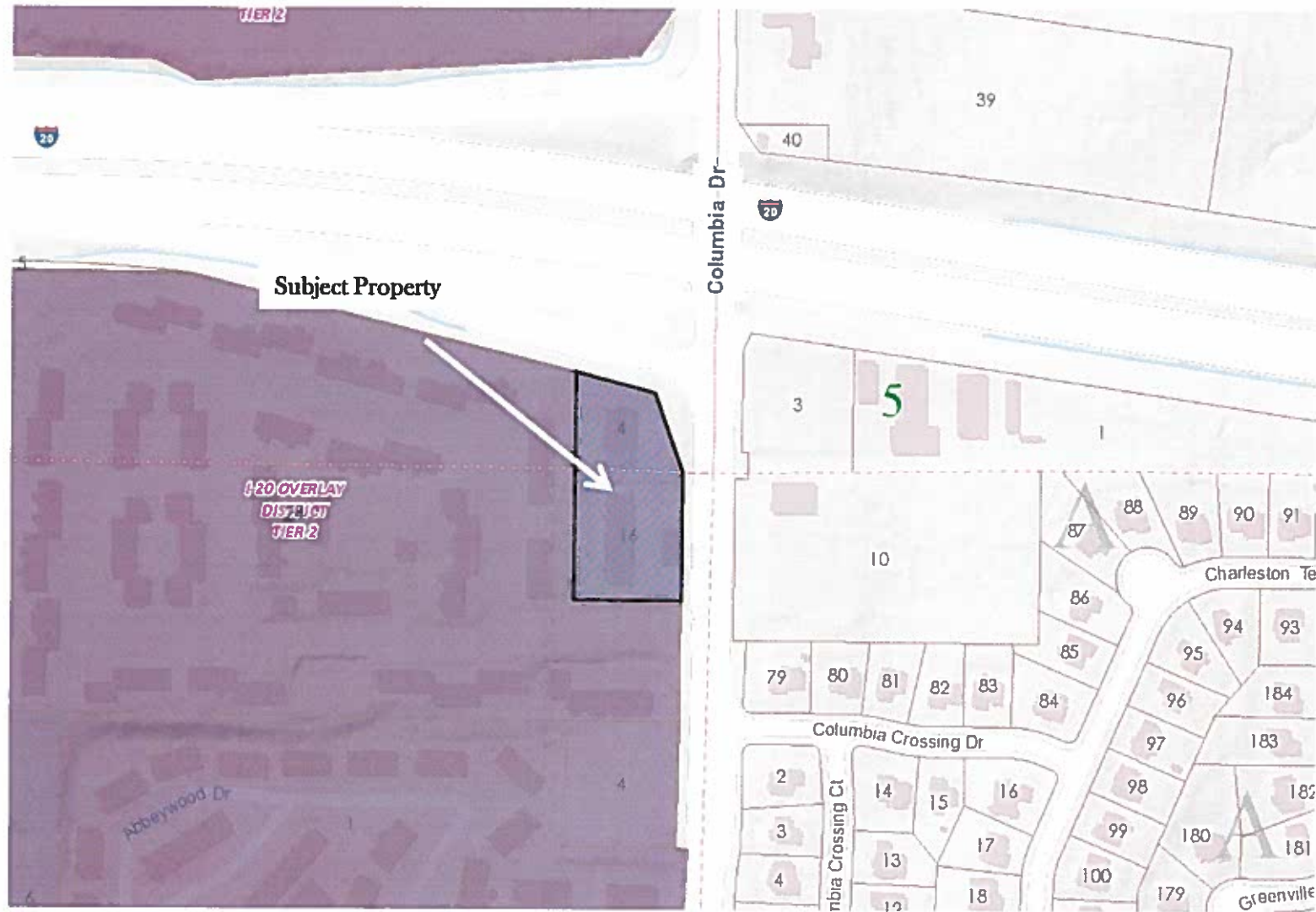
Finally, the Applicant respectfully submits that DeKalb County cannot lawfully impose more restrictive standards upon the development of the property than presently exist as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution.

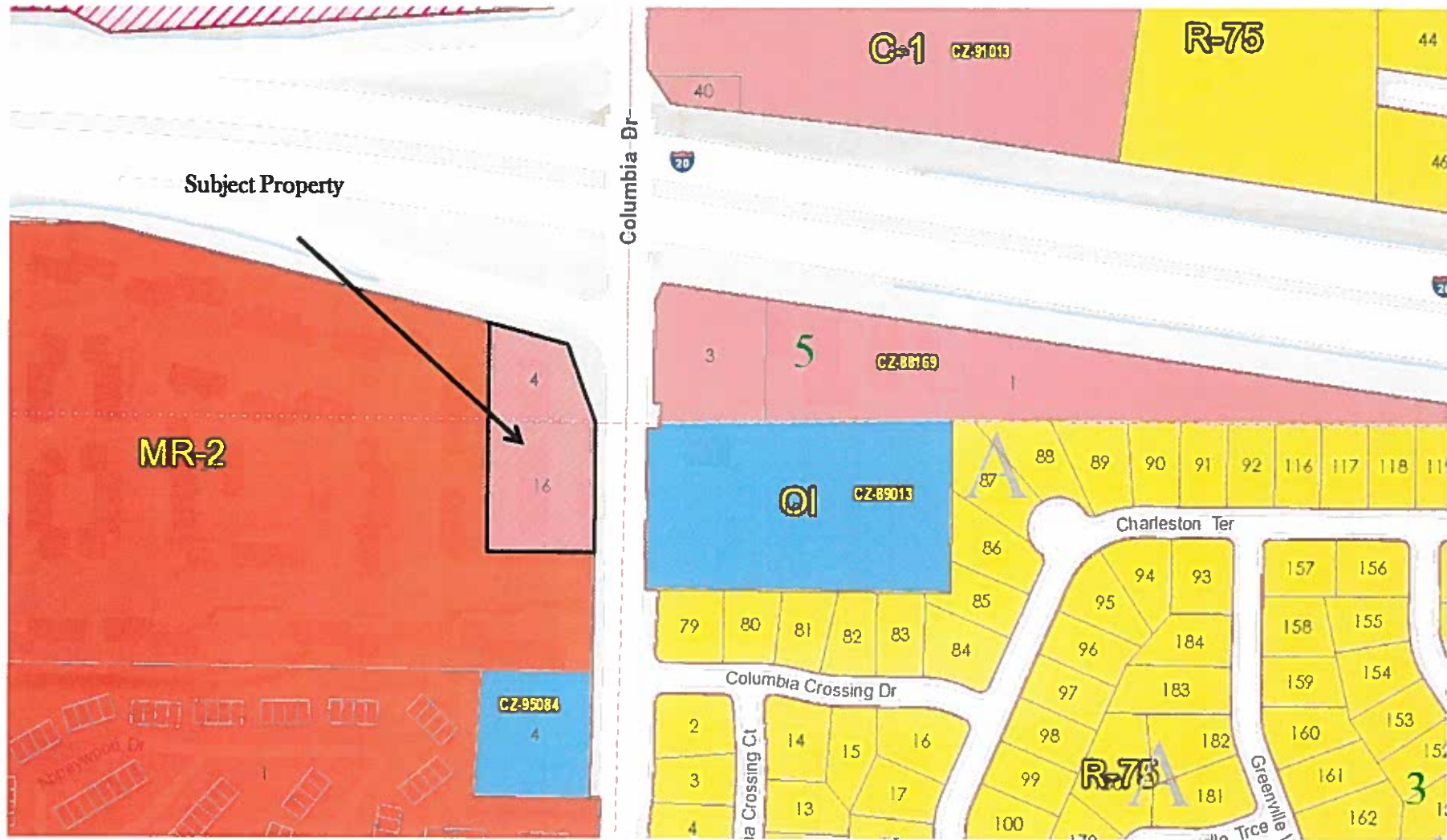
CONCLUSION

For the foregoing reasons, the Applicant respectfully request for a Special Use Permit approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

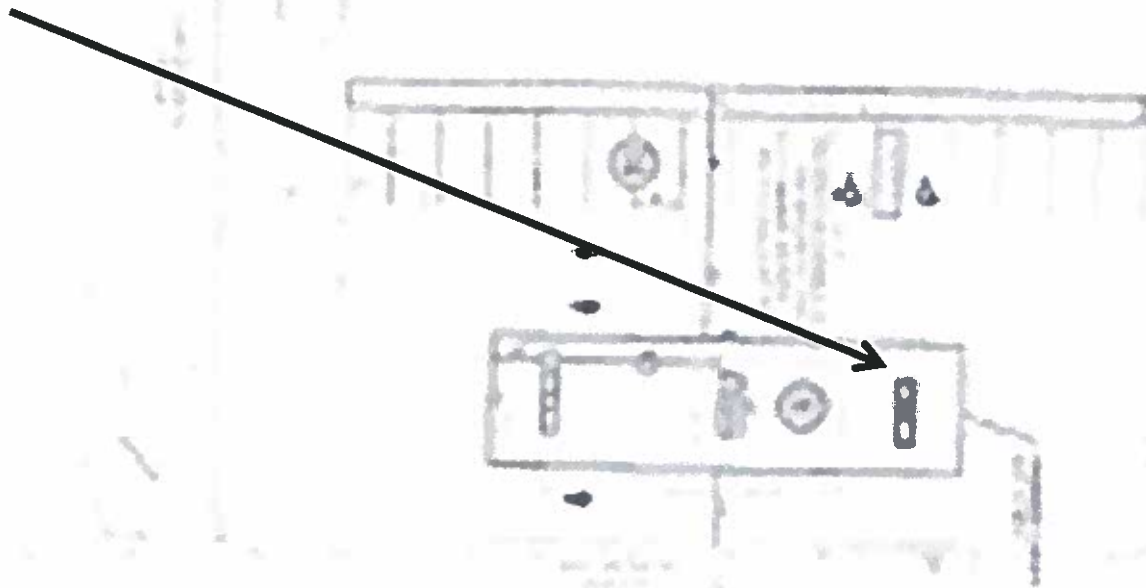


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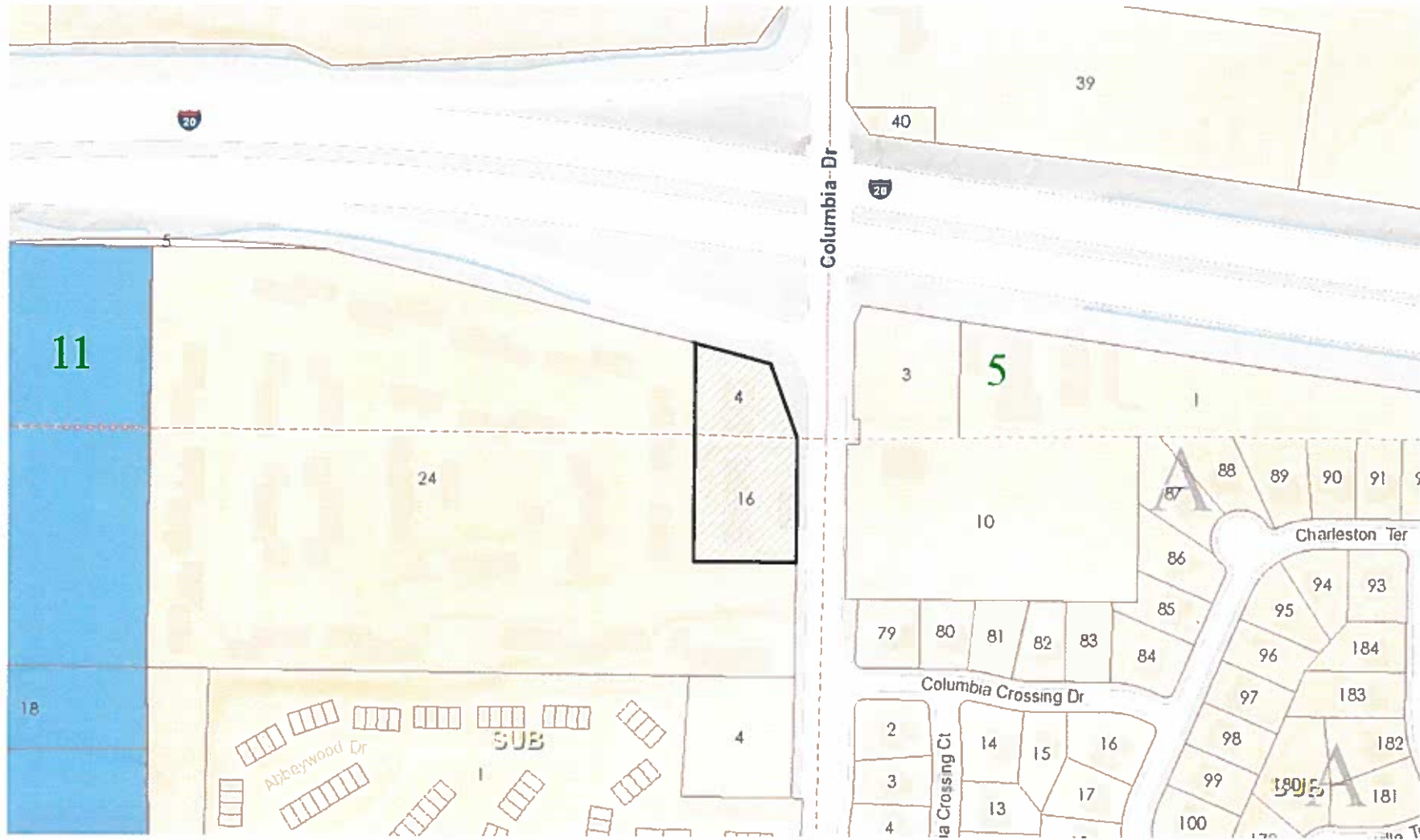


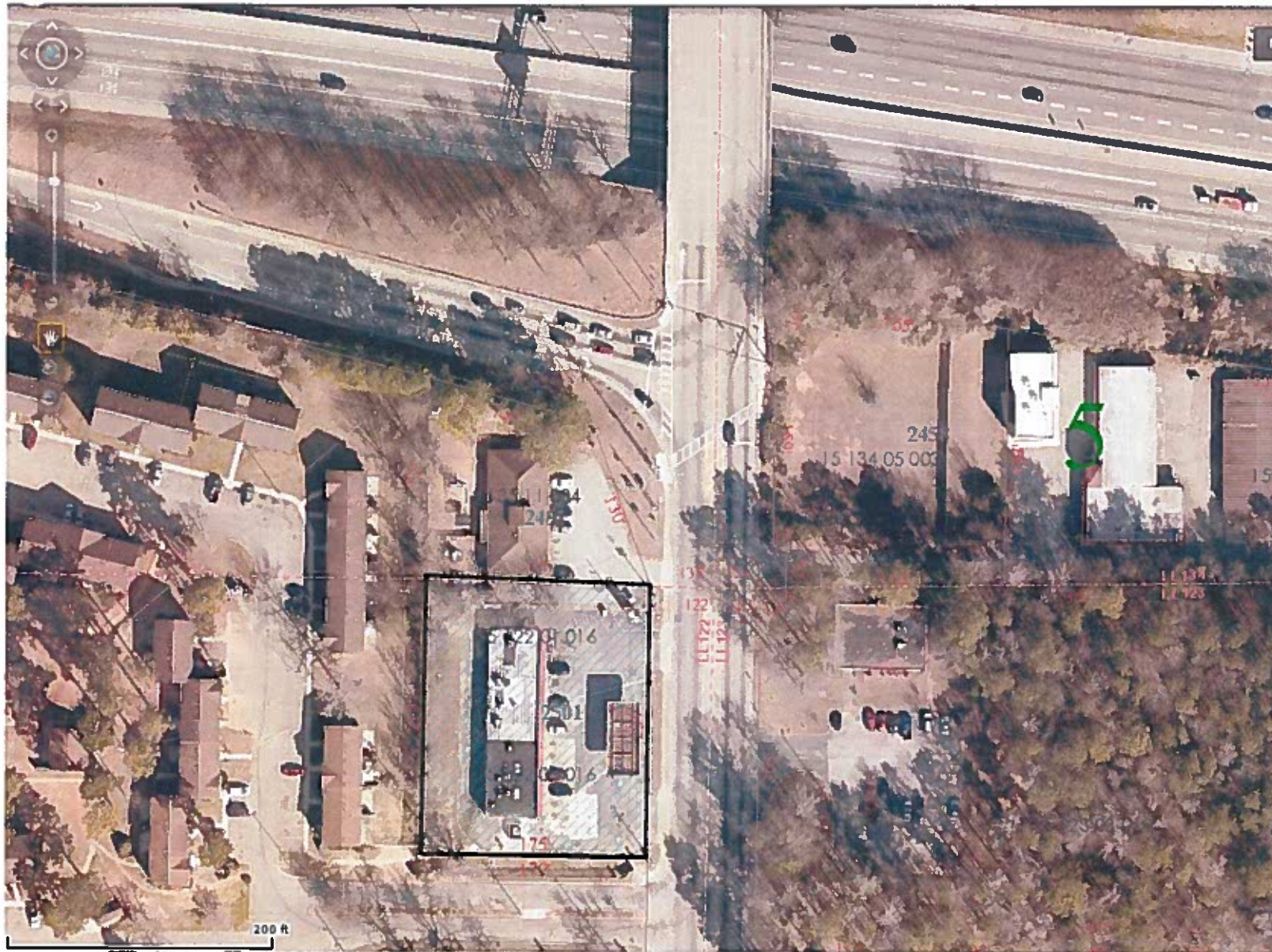


Proposed Expansion of Gas
Canopy and 1 additional fuel
pump



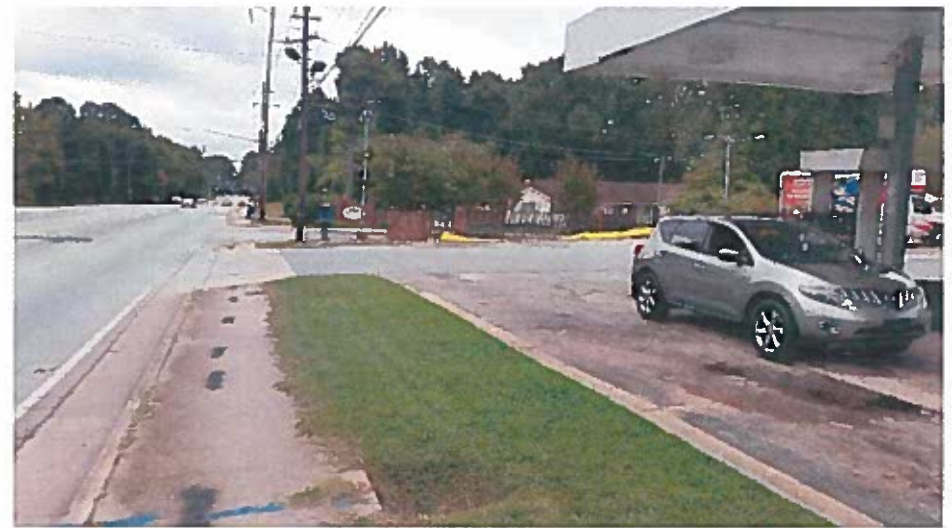
Columbia Drive





N.4 SLUP-18-1235010

Site Photo



DEPARTMENT OF PLANNING & SUSTAINABILITY

JR

SPECIAL LAND USE PERMIT APPLICATION

Amendments will not be accepted after 5 working days after the filing date.

Date Received: _____ Application No.: SLUP 18-1235010

APPLICANT NAME: Siasim Columbia LLC

Daytime Phone #: 404-520-1010 Fax #: _____

Mailing Address: 970 Peachtree Industrial Blvd Ste 17
Suwanee, GA 30024 E-mail: atlmortgage@comcast.net

OWNER NAME: Siasim Columbia - Rahul Jasani (If more than one owner, attach contact information for each owner)

Daytime Phone #: 404-520-1010 Fax #: _____

Mailing Address: 970 Peachtree Industrial Blvd Ste 17
Suwanee, GA 30024 E-mail: atlmortgage@comcast.net

SUBJECT PROPERTY ADDRESS OR LOCATION: 2501 Columbia Drive
Decatur, 30034, DeKalb County, GA, _____

District(s): 15th Land Lot(s): 122 Block(s): _____ Parcel(s): 15 122 01 016

Acreage or Square Feet: 8437 Commission District(s): _____ Existing Zoning: C-1

Proposed Special Land Use (SLUP): Gas Station / Convenience Store

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Owner: Agent: _____ Signature of Applicant: 

Printed Name of Applicant: Rahul Jasani

Notary Signature and Seal:







DeKalb County
GEORGIA

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

SPECIAL LAND USE PERMIT APPLICATION AUTHORIZATION

The property owner should complete this form or a similar, signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: _____

TO WHOM IT MAY CONCERN:

(I) (WE), Rahul Jasani / Siasim Columbia LLC
Name of Owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to
Gigi Arnett
Name of Applicant or Agent

to file an application on (my) (our) behalf.

Gigi Arnett
GA



[Signature]
Owner

Notary Public _____ Owner _____

Notary Public _____ Owner _____

Notary Public _____ Owner _____

received
06/06/18

PUBLIC NOTICE

Pre-Application Community Meeting for DeKalb County Zoning Application

Application for SPECIAL LAND USE PERMIT

for property located at

2501 Columbia Drive, Decatur, GA

Applicant: Rahul Jasani/Siasim Columbia

Wednesday, May 30, 2018 at 6:30PM

at

**Wesley Chapel – William C. Brown Library
2861 Wesley Chapel Road
Decatur, Georgia 30034**

Current Use: Fuel Station

Proposed Use: Fuel Station/Convenience Store/Retail Space

The Special Land Use Permit request is made to expand the existing fuel pump canopy and to add one additional fuel pump.





DeKalb County
GEORGIA

Chief Executive Officer
Michael Thurmond

JUN 04 2018



404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Av
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Andrew A. Baker, AICP

PRE-APPLICATION FORM
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE
(Pre-application conference is required prior to filing application: copy must be submitted at filing)

Applicant Name: GIGI ARNETT Phone: 678-327-4085 Email: gigia@theconfinedgroup.com

Property Address: 2501 Columbia Dr.

Tax Parcel ID: 15-122-01-016 Comm. District: 3 & 7 Acreage: _____

Existing Use: citygo, grocery, hair Proposed Use: salon, retail

Rezoning: Yes _____ No

Existing Zoning: C-1, I-20 OVD Proposed Zoning: same Square Footage/Number of Units: _____

~~Rezoning Request:~~ _____

Land Use Plan Amendment: Yes _____ No

Existing Land Use: SUB Proposed Land Use: _____ Consistent Inconsistent _____

Special Land Use Permit: Yes No _____ Article Number(s) 27

Special Land Use Request(s) Fuel pumps w/ convenience store; retail
Request to expand canopy & add 1 fuel pump

Major Modification:

Existing Case Number(s): _____

Condition(s) to be modified and request:



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DEPARTMENT OF PLANNING & SUSTAINABILITY

WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION

Pre-submittal Community Meeting: Review Calendar Dates: Planning Commission:
Owners Authorization: Community Council Meeting: Public Notice: Notice Signs:
Building Permits: Fire Inspection: Business License: Land Disturbance Permit: State
License: Lighting Plan: Campaign Disclosure: Impact Analysis: Zoning
Conditions: Letter of Intent: Board of Commissioners: Tent Permit:
Supplemental Regulations: Overlay District DRI Separation

Review of Site Plan

granda gathered

Setbacks: front sides side corner rear Lot Size: Frontage:
Landscape Strips: Buffers: Parking Lot Landscaping: Parking Spaces:
Screening: Streetscapes: Fencing/Walls: Open Space: Enhanced
Open Space: Building Materials: Roof Material: Fenestration: Façades:
Orientation: Garages: Pedestrian Plan: Sidewalks

Possible Variances: ① front setback of canopy ② canopy height

Comments:

Planner: Melora Furman Date 2/26/18

Filing Fees

REZONING: RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5, OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
LAND USE AMENDMENT	\$500.00
SPECIAL LAND USE PERMIT	\$400.00