



Legislation Details (With Text)

File #: 2021-2124 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 1/29/2021 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 3/25/2021 **Final action:**
Title: COMMISSION DISTRICT(S): 5 & 7
Application of Mustaq Moosa for a Special Land Use Permit (SLUP) to allow alcohol sales as an accessory use in the C-1 (Local Commercial) District, at 1762 Panola Road.

Indexes:

Attachments: 1. SLUP 21 1244548 Staff Report March BOC 2021, 2. Recommended Conditions SLUP 21 1244548

Date	Ver.	Action By	Action	Result
3/25/2021	1	Board of Commissioners - Zoning Meeting	withdraw without prejudice	Pass
3/4/2021	1	Planning Commission		

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

SUBJECT:

COMMISSION DISTRICT(S): 5 & 7
Application of Mustaq Moosa for a Special Land Use Permit (SLUP) to allow alcohol sales as an accessory use in the C-1 (Local Commercial) District, at 1762 Panola Road.

PETITION NO: N17. SLUP-21-1244548 2021-2124

PROPOSED USE: Alcohol sales as an accessory use.

LOCATION: 1762 Panola Road, Stone Mountain, Ga.

PARCEL NO. : 16-037-02-007, 16-037-02-008

INFO. CONTACT: John Reid, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Mustaq Moosa for a Special Land Use Permit (SLUP) to allow alcohol sales as an accessory use in the C-1 (Local Commercial) District. The property is located on the northeast intersection of Panola Road and Young Road, at 1762 and 1744 Panola Road, Stone Mountain. The property has approximately 328 feet of frontage on Young Road, 347 feet of frontage on Panola Road and contains 1.38 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Denial.

PLANNING STAFF: Withdrawal without Prejudice.

STAFF ANALYSIS: The proposed request for an alcohol outlet as an accessory use to a convenience store is required to obtain a Special Land Use Permit (SLUP) since it is located in the C-1 (Local Commercial) zoning district. Based on the submitted information, the zoning proposal to allow a convenience store with an accessory alcohol outlet at the intersection of a major arterial and collector road is consistent with the following policy of the 2035 Comprehensive Plan: “The non-residential development in suburban areas shall be limited to small-scale convenience goods/services to meet the needs of the surrounding residents. Small scale nonresidential development shall be limited to qualifying intersections (collector roadway and above)” (Sec. 7.4.6.K). It appears that the zoning proposal is consistent with 02/20/2021 Prepared By: JLR Page 9 SLUP-21-1244548/N.17 the C-1 commercial-zoned property to the west across Panola Road containing an institutional use (Berean Christian Church) and vacant land and the commercial use (Family Dollar Store) across Young Road to the south (Sec 7.4.6.B). Based on community input at the Planning Commission meeting on March 4th, the applicant has requested that the rezoning and companion SLUP applications be withdrawn without prejudice (see attached email dated March 9th, 2021). Therefore, it is the recommendation of the Department of Planning and Sustainability that the application be “Withdrawn Without Prejudice”.

PLANNING COMMISSION VOTE: Denial 9-0-0. G. McCoy moved, P. Womack, Jr. seconded for denial. A proliferation of gas stations and alcohol outlets in the area, this request is out of character with the area and strong opposition from the community, were reasons given for the Denial.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial 8-0-0. Many community residents spoke in opposition to this project, citing its proximity to Berean Church and school, as well as traffic concerns and concerns about the abundance of similar businesses in the immediate area. Applicant did not attend.