



Legislation Details (With Text)

File #: 2023-1151 **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:** 11/16/2023

Title: COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07
Application of Karim Surani c/o Dillard Sellers for a Special Land Use Permit (SLUP) to build and operate fuel pumps accessory to convenience store within a C-2 (General Commercial) zoning district and within Tier 3 of the I-20 Overlay District, at 2536 Snapfinger Road.

Indexes:

Attachments: 1. SLUP-23-1246658 Nov 2023 BOC Staff Report 2536 Snapfinger Rd

| Date | Ver. | Action By | Action | Result |
|------------|------|---|--|--------|
| 11/16/2023 | 1 | Board of Commissioners - Zoning Meeting | withdrawn without prejudice | |
| 11/2/2023 | 1 | Planning Commission | withdrawn without prejudice per staff recommendation | Pass |

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

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07
Application of Karim Surani c/o Dillard Sellers for a Special Land Use Permit (SLUP) to build and operate fuel pumps accessory to convenience store within a C-2 (General Commercial) zoning district and within Tier 3 of the I-20 Overlay District, at 2536 Snapfinger Road.

PETITION NO: N8-2023-1151 SLUP-23-1246658

PROPOSED USE: Fuel pumps as accessory to convenience store.

LOCATION: 2536 Snapfinger Road, Decatur, Georgia 30034

PARCEL NO. : 15-126-10-023

INFO. CONTACT: Andrea Folgherait, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Karim Surani c/o Dillard Sellers for a Special Land Use Permit (SLUP) to build and operate fuel pumps accessory to convenience store within a C-2 (General Commercial) zoning district and within Tier 3 of the I-20 Overlay District.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Withdrawal without Prejudice.

PLANNING STAFF: Withdrawal without Prejudice. (updated Nov. 1, 2023)

STAFF ANALYSIS: (updated 11.01.2023) Applicant has requested Withdrawal without Prejudice as of 11/01/2023. Staff supports this request. The applicant, Karim Surani c/o Dillard Seller, is seeking a special land use permit (SLUP) to build and operate eight (8) fuel pumps within a C-2 (General Commercial) zoning district and Tier 3 of the I-20 Overlay District. The applicant has also filed a companion application SLUP-23-1246659 to build a convenience store with an alcohol outlet. Currently, the subject site is two (2) acres of undeveloped heavily forested land. Given that the application conflicts with the goals and strategies of the *2050 Unified Plan* and community feedback, Staff is recommending denial of this application. The applicant's requests and development are consistent with the property's current C-2 zoning as well as the surrounding commercial uses. However, there may be an over-saturation of this commercial and accessory use. Immediately west of the proposed site there are three (3) existing gas stations, including a Chevron, Shell, and QuikTrip along Wesley Chapel Road. Staff is also collecting data on active gas stations within the vicinity of the subject property. The I-20 Overlay Tier 3 is defined as a lower-intensity area which provides transition between a higher density of uses and single-family neighborhoods. The site of the requested proposal is a key transitional parcel between the high traffic intersection of Wesley Chapel Road/Snapfinger Road and single-family neighborhoods. While the site plan itself proposes pedestrian oriented development, the use primarily targets automobile usage. The proposed use may undermine the future land use intent for this community. The site is located within a Town Center (TC) character area and the *Wesley Chapel Activity Center Livable Centers Initiative* (LCI) study area. The *2050 Unified Plan* specifies the primary land use of a Town Center as a concentration of moderate to high intensity residential and commercial uses that act as a focal point to serve several surrounding communities to reduce automobile travel (pg.33). The *2050 Unified Plan* also shows the subject property is not located at the "edge" of this TC Character Area. The site lies within the Core/Intermediate development zone (pg.33). The LCI encourages a design that captures the needs of all generations by promoting multimodal access, diverse housing options, and desirable community spaces (pg.93). The site plan, dated 8/31/23, proposes multiple points for pedestrians to access the store and greenspace on site. There are six (6) access points for pedestrians to safely travel along internal paths from the public sidewalk along Snapfinger Road and Post Office Drive to the convenience store. Furthermore, the proposal appears to comply with the regulations of the Tier 3 I-20 Overlay set forth in *Section 3.33.9* (dimensional requirements, minimum parking requirement, open space). Additionally, the site plan meets the supplemental requirements set forth in *Section 4.2.28* - Fuel pumps associated with large retail, convenience stores, gas stations, service stations. However, the applicant did not address all supplemental regulations for the companion application (SLUP-23-1246659 alcohol outlet), specifically *Section 4.2.8 B.1* - Alcohol Outlets. There were no major site-specific comments from DeKalb County Planning Sustainability Divisions in connection with the proposal (general comments enclosed). The proposal may undermine the intent of the *2050 Unified Plan* and the *Wesley Chapel Town Center Character Area* to provide a high intensity mix of residential and commercial uses. Furthermore, the subject property is not located at the "edge" of this TC Character Area where auto-oriented uses may warrant consideration. Given the existing gas stations within the vicinity, there is a greater potential for the subject property to be used as a more desirable community space. Additionally, the applicant needs to provide the documentation for the companion application (SLUP-23-1246659 alcohol outlet) addressing Supplemental Regulation B1. Therefore, upon review of *Section 7.4.6* (B, M, N, G, & H) of the *Zoning Ordinance*, Staff recommends "Denial".

PLANNING COMMISSION VOTE: Withdrawal without Prejudice 8-0-0. Vivian Moore moved, LaSonya Osler seconded for withdrawal without prejudice, per the Applicant's request.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial. Community Council District 3 voted

for denial due to potential traffic impacts as well as loitering.