



Legislation Details (With Text)

**File #:** 2020-1536    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Preliminary Item  
**File created:** 11/30/2020    **In control:** Board of Commissioners - Zoning Meeting  
**On agenda:** 1/28/2021    **Final action:** 1/28/2021  
**Title:** COMMISSION DISTRICT(S): 3 & 7  
 Application of Urban Retail LLC c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to redevelop the existing gas station with a new convenience store with fuel pumps in the C-1 (Local Commercial) District, at 4845 Flat Shoals Parkway.

**Indexes:**

**Attachments:** 1. N5 SLUP 21 1244388 Recommended Conditions, 2. N5 SLUP-21-1244388 Urban Retail LLC staff report

Date	Ver.	Action By	Action	Result
1/28/2021	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
1/5/2021	1	Planning Commission	approved with conditions per staff recommendation	Pass

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

**SUBJECT:**

**COMMISSION DISTRICT(S): 3 & 7**

**Application of Urban Retail LLC c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to redevelop the existing gas station with a new convenience store with fuel pumps in the C-1 (Local Commercial) District, at 4845 Flat Shoals Parkway.**

**PETITION NO: N5. SLUP-21-1244388 2020-1536**

**PROPOSED USE:** Convenience store with gas pumps.

**LOCATION:** 4845 Flat Shoals Parkway, Decatur, GA 30034

**PARCEL NO. :** 15-061-03-012

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

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

**PURPOSE:**

Application of Urban Retail LLC c/o Battle Law, P.C. to request a Special Land Use Permit (SLUP) to redevelop the existing gas station with a new convenience store with fuel pumps in the C-1 (Local Commercial) District. The property is located on the southwest corner of the Flat Shoals Parkway/Flakes Mill Road intersection, at 4845 Flat Shoals Parkway in Decatur, Georgia. The property has approximately 200 feet of frontage along Flat Shoals Parkway, 200 feet of frontage along Flakes Mill Road and contains 0.93 acre.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Approval with Conditions.

**PLANNING COMMISSION:** Approval with Conditions.

**PLANNING STAFF:** Approval with Conditions.

**STAFF ANALYSIS:** The proposed request for fuel pumps 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. The proposed redevelopment of the existing convenience store on the subject property (see attached conceptual elevations) is consistent with the policies and strategies of the Neighborhood Center (NC) Character Area (i.e. an activity center) of the *2035 Comprehensive Plan* “to promote redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT)” and to “improve street character with consistent signage, lighting, landscaping and other design features” (NC Policies #20 and#9, respectively). The proposed redevelopment project and submitted conceptual elevations are also consistent with the goals of the *Flat Shoals Activity Center Small Area Plan* to support architectural standards that allow a variety of styles that require good design and to incorporate access management (Policies B2 and BC5). Given that there is an existing convenience store with an accessory alcohol outlet and gas pumps on the subject property, the proposed convenience store with fuel pumps should have little impact on traffic, and is compatible with nearby commercial developments along Flat Shoals Parkway and Flakes Mill Road (Section 27-7.46.B & D). Therefore, it is the recommendation of the Planning and Sustainability Department that the application be “Approved with Staff’s recommended conditions”.

**PLANNING COMMISSION VOTE: Approval with Conditions 9-0-0.** V. Moore moved, L. Osler seconded for Approval with Staff’s recommended fifteen (15) conditions.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval with Conditions 7-0-1.** Approval with the condition that the applicant comply with all local, State, and Federal environmental regulations related to disposal of toxic wastes from the operation of the fuel pumps.