



Legislation Details (With Text)

**File #:** 2021-2122    **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:** 3/25/2021  
**Title:** COMMISSION DISTRICT(S): 5 & 7  
 Application of Mustaq Moosa to rezone properties from R-100 (Residential-Medium Lot-100) District to C-1 (Local Commercial) District to construct a convenience store with accessory fuel pumps and alcohol outlet, at 1762 Panola Road.

**Indexes:**

**Attachments:** 1. Z 21 1244544 Staff Report March BOC 2021, 2. Recommended Conditions Z 21 1244544

Date	Ver.	Action By	Action	Result
3/25/2021	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass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 to rezone properties from R-100 (Residential-Medium Lot-100) District to C-1 (Local Commercial) District to construct a convenience store with accessory fuel pumps and alcohol outlet, at 1762 Panola Road.**

**PETITION NO: N15. Z-21-1244544 2021-2122**

**PROPOSED USE: Convenience store with accessory fuel pumps and alcohol outlet.**

**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 to rezone properties from R-100 (Residential-Medium Lot-100) District to C-1 (Local Commercial) District to construct a convenience store with accessory fuel pumps and alcohol outlet. 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:** Based on the submitted information, the zoning proposal to allow a convenience store with accessory gas pumps and alcohol outlet at the intersection of a major arterial (Panola Road) and Collector (Young Road) 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. 7.3.5.A). It appears that the zoning proposal is consistent with 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. A 50-foot undisturbed transitional buffer along the northeast property line abutting residential zoning, along with a recommended condition of zoning approval requiring that all lighting be established so that no direct light is cast upon adjacent properties should provide compatibility with the single-family residential uses to the east (Sec. 7.3.5.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, E. Patton 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.