



Legislation Details (With Text)

File #: 2021-2123 **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 for a Special Land Use Permit (SLUP) to allow fuel pumps as an accessory use in the C-1 (Local Commercial) District, at 1762 Panola Road.

Indexes:

Attachments: 1. SLUP 21 1244547 Staff Report March BOC 2021, 2. Recommended Conditions SLUP 21 1244547

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3/25/2021	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass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 for a Special Land Use Permit (SLUP) to allow fuel pumps as an accessory use in the C-1 (Local Commercial) District, at 1762 Panola Road.

PETITION NO: N16. SLUP-21-1244547 2021-2123

PROPOSED USE: Fuel pumps 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 fuel pumps as an accessory use in the C-1 (Local Commercial) District in accordance with Table 4.1 Use Table. 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 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. Based on the submitted information, the zoning proposal to allow a convenience store with accessory gas pumps 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 the C-1 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). 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 neighborhoods to the east. 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. J. West moved, G. McCoy 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.