



Legislation Details (With Text)

File #: 2022-1998 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 7/27/2022 **In control:** Board of Commissioners

On agenda: 5/23/2023 **Final action:** 5/23/2023

Title: COMMISSION DISTRICT(S): Commission District 4 Super District 6
Application of ModWash, LLC c/o Battle Law P.C. for a request to modify zoning conditions to remove condition #1 pursuant to CZ-06-1241, restricting the use of the property to office and retail uses to allow a car wash in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

Indexes:

Attachments: 1. CZ-22-1246934 Jan 2023 Staff Report 1849 Lawrenceville Hwy, 2. CZ-22-1245934 Nov BOC 2022 Staff Report 1849 Lville Hwy, 3. CZ-22-1245934 Sept 2022 Staff Report 1849 Lawrenceville Hwy

Date	Ver.	Action By	Action	Result
5/23/2023	1	Board of Commissioners	denied	Pass
5/23/2023	1	Board of Commissioners	reconsidered	Pass
5/23/2023	1	Board of Commissioners	denied	Pass
4/25/2023	1	Board of Commissioners	deferred for 30 days	Pass
2/28/2023	1	Board of Commissioners	deferred 60 days	Pass
1/26/2023	1	Board of Commissioners - Zoning Meeting	deferred for 30 days	Pass
1/5/2023	1	Planning Commission		
11/17/2022	1	Board of Commissioners - Zoning Meeting	deferred for a full cycle	Pass
11/1/2022	1	Planning Commission	denial per staff recommendation	Pass
10/4/2022	1	Board of Commissioners - Zoning Meeting		
9/6/2022	1	Planning Commission	Full cycle deferral per staff recommendation	Pass

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

SUBJECT:

COMMISSION DISTRICT(S): Commission District 4 Super District 6
Application of ModWash, LLC c/o Battle Law P.C. for a request to modify zoning conditions to remove condition #1 pursuant to CZ-06-1241, restricting the use of the property to office and retail uses to allow a car wash in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.
PETITION NO: D6-2022-1998 CZ-22-1245934

PROPOSED USE: Car wash.

LOCATION: 1849 Lawrenceville Highway, Decatur, Georgia 30033

PARCEL NO. : 18-063-03-027

INFO. CONTACT: Rachel Bragg, Zoning Administrator

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of ModWash, LLC c/o Battle Law P.C. for a request to modify zoning conditions to remove condition #1 pursuant to CZ-06-1241, restricting the use of the property to office and retail uses to allow a car wash in the C-1 (Local Commercial) zoning district. The property is located on the southeast quadrant of Lawrenceville Highway and Jordan Lane, approximately 415 feet north of DeKalb Industrial Way, at 1849 Lawrenceville Highway in Decatur, Georgia. The property has approximately 180 feet of frontage along Lawrenceville Highway and 230 feet of frontage along Jordan Lane and contains 1.28 acres.

RECOMMENDATION:

COMMUNITY COUNCIL: (December 2022) Approval. (October 2022) Approval w/Condition(s). (August 2022) Full Cycle Deferral.

PLANNING COMMISSION: (January 5, 2023) Denial. (November 1, 2022) Denial. (September 6, 2022) Full Cycle Deferral.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant is requesting to modify the current zoning conditions which restrict the use to retail and office to allow a drive-through car wash facility. The request was deferred from the November agenda cycle (the Planning Commission recommended Denial of this case at their November public hearing). No new information has been submitted. The site is located within a Town Center (TC) Character Area designated by the *DeKalb County 2035 Comprehensive Plan*. Moreover, the subject property is included in the *Medline LCI Plan* study area, but it doesn't provide a definitive recommendation regarding use of the site. A drive-through car wash does not meet the intent and vision of the TC Character Area calling for a pedestrian community focus within a high density mix of residential, office, and commercial uses. Additionally, the proposed auto-oriented drive-through is not consistent with the following policies and strategies of the TC Character Area of the *2035 Comprehensive Plan*: 1. Promote new and redevelopment at or near activity centers as a means of reducing vehicle miles traveled (VMT) (TC Land Use "VMT" Policy, page 94); and 2. Design shall be pedestrian oriented with walkable connections between different uses (site plan shows one row of parking in front of the building (TC Land Use "Pedestrian Oriented Design" Policy, page 94). The LCI Plan does not provide exclusions to provide for pedestrian community uses based on where the use is located in the study area. Regardless of existing and proposed residential densities in the TC Character Area, the goal of TC is to have residents walk more than drive. Since the proposed drive-through land use is inherently inconsistent with the pedestrian community intent of the TC Character Area, additional landscaping or site enhancements will not change this issue. Additionally, more information is needed to verify compliance with stormwater management as the conceptual plan does not indicate location of stormwater facilities (see attached interdepartmental comments from Land Development Division of Public Works). Therefore, it is the recommendation of the Planning and Sustainability Department that the modification request to allow a drive-through car wash on the subject site be, respectfully, "Denied".

PLANNING COMMISSION VOTE: (January 5, 2023) Denial 9-0-0. LaSonya Osler moved, Jon West seconded for Denial, per Staff recommendation. (November 1, 2022) Denial 7-0-1. LaSonya Osler moved, Jon West seconded for denial, per Staff recommendation. April Atkins, who had just joined the meeting, abstained. (September 6, 2022) Full Cycle Deferral 8-0-0. LaSonya Osler moved, Jana Johnson seconded for

a full cycle deferral, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (December 13, 2022) Approval 9-0-0. (October 18, 2022) Approval w/Conditions 8-1-0. The Council voted for approval with the recommended conditions and with a requirement for DoT approval. **(August 16, 2022) Full Cycle Deferral 7-0-0.**