



Legislation Details (With Text)

File #: 2022-2252 **Version:** 1 **Name:**

Type: Ordinance **Status:** Public Hearing

File created: 9/27/2022 **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. to request a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

Indexes:

Attachments: 1. SLUP-22-1246038 Jan 2023 Staff Report 1849 Lawrenceville Hwy, 2. PurWater Recovery System Letter, 3. SLUP-22-1246038 Nov 2022 Staff Report 1849 Lville Hwy

Date	Ver.	Action By	Action	Result
5/23/2023	1	Board of Commissioners	withdrawn without prejudice	Pass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

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. to request a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 (Local Commercial) zoning district, at 1849 Lawrenceville Highway.

PETITION NO: D7-2022-2252 SLUP-22-1246038

PROPOSED USE: Drive-through 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. to request a Special Land Use Permit (SLUP) to allow a

drive-through car wash facility 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 13, 2022) Approval. (October 18, 2022) Approval.

PLANNING COMMISSION: (January 5, 2023) Denial. (November 1, 2022) Denial.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicant is requesting a Special Land Use Permit (SLUP) to allow a drive-through car wash facility in the C-1 zoning district. There is a companion case to modify the current zoning conditions which restrict the use to retail and office to allow a drive-through car wash facility (See CZ 22 1245934). This case was deferred from the November agenda cycle (the Planning Commission recommended Denial of this case at their November public hearing). Car wash cleaning chemicals can potentially run off into nearby storm drains and degrade water quality. The applicant submitted documentation showing compliance with Section 4.2.13.B (Supplemental Regulations for Car Washes) of the Zoning Ordinance which requires that *wastewater from all auto wash services shall be pre-treated in accordance with watershed maintenance standards prior to being drained into public sanitary sewer or into any stormwater structure as may be approved by DeKalb County Watershed Management Department.* The Watershed Management Department has reviewed the applicant's information and indicated that Drive-through carwashes are not required to apply for Industrial Discharge permit, however, they are required to follow the discharge limits and regulations and install Oil/water/sand/grit separators when necessary. At the time of this writing it is not known if the applicant's information is in compliance with these county regulations. 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 focused 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 SLUP 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, Jana Johnson seconded for denial, per Staff recommendation. April Atkins abstained.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (Dec. 13, 2022) Approval 9-0-0. (Oct. 18, 2022) Approval 8-1-0.