



Legislation Text

File #: 2023-1152, Version: 1

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

SUBJECT:

COMMISSION DISTRICT(S): COMMISSION DISTRICT 03 SUPER DISTRICT 07

Application of Karim Surani c/o Dillard Seller for a Special Land Use Permit (SLUP) to build and operate a convenience with alcohol outlet within a C-2 (General Commercial) zoning district and within Tier 3 of the I-20 overlay, at 2536 Snapfinger Road.

PETITION NO: N9-2023-1152 SLUP-23-1246659

PROPOSED USE: Convenience store with alcohol outlet.

LOCATION: 2563 Snapfinger Road, Decatur, Georgia 30034

PARCEL NO. : 15-126-10-023

INFO. CONTACT: Andrea Folgherait, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Karim Surani c/o Dillard Seller for a Special Land Use Permit (SLUP) to build and operate a convenience with alcohol outlet within a C-2 (General Commercial) zoning district and within Tier 3 of the I-20 overlay.

RECOMMENDATION:

COMMUNITY COUNCIL: Denial.

PLANNING COMMISSION: Withdrawal without Prejudice.

PLANNING STAFF: Withdrawal without Prejudice. (updated Nov. 1, 2023)

STAFF ANALYSIS: (updated 11.01.2023) Applicant has requested Withdrawal without Prejudice. Staff supports this request. The applicant, Karim Surani c/o Dillard Seller, is seeking a special land use permit (SLUP) to build a convenience store with an alcohol outlet in a C-2 (General Commercial) zoning district and Tier 3 of the I-20 Overlay District. The applicant has also filed a companion application SLUP-23-1246658 to operate fuel pumps as an accessory to the convenience store. Currently, the subject site is two (2) acres of undeveloped heavily forested land. Given that the application conflicts with the goals and strategies of the *2050 Unified Plan* and community feedback, Staff is recommending denial of this application. The applicant's requests and development are consistent with the property's current C-2 zoning as well as the surrounding commercial uses. However, there may be an over-saturation of this commercial and accessory use. There are

three (3) existing convenience stores directly to the west of the property along Wesley Chapel Road. It should be noted that as a companion application to SLUP-23-1246658 (operate fuel pumps) Staff is also collecting data on active gas stations within the vicinity of the property. The Tier 3 I-20 Overlay is defined as a lower-intensity area which provides transition between higher density uses and single-family neighborhoods. The site of the requested proposal is a key transitional parcel between the high traffic intersection of Wesley Chapel Road/Snapfinger Road and single-family neighborhoods. The proposed use may undermine the future land use intent for this community. The site is located within a Town Center (TC) character area and the *Wesley Chapel Activity Center Livable Centers Initiative* (LCI) study area. The *2050 Unified Plan* specifies the primary land use of a Town Center as a concentration of moderate to high intensity residential and commercial uses that act as a focal point to serve several surrounding communities to reduce automobile travel (pg.33). The *2050 Unified Plan* also shows the subject property is not located at the “edge” of this TC Character Area. The site lies within the Core/Intermediate development zone (pg.33). The LCI encourages a design that captures the needs of all generations by promoting multimodal access, diverse housing options, and desirable community spaces (pg.93). The site plan, dated 8/31/23, proposes multiple points for pedestrians to access the store and greenspace on site. There are six (6) access points for pedestrians to safely travel along internal paths from the public sidewalk along Snapfinger Road and Post Office Drive to the convenience store. Furthermore, the proposal appears to comply with the regulations of the Tier 3 I-20 Overlay set forth in *Section 3.33.9* (dimensional requirements, minimum parking requirement, open space). However, there appears to be a deficiency of *Section 4.2.8 B.1 Supplemental Use Regulations* - alcohol outlets may not be within six hundred (600) feet of any residence, church, school, school building or grounds, educational facility, college campus, or adult entertainment establishment. Given the proximity of places of worship and academies, Staff has requested a survey disclosing exact distances to said uses and the proposal site. The applicant has not yet provided this information. There were no major site-specific comments from DeKalb County Planning Sustainability Divisions in connection with the proposal (general comments enclosed). The proposal may undermine the intent of the *2050 Unified Plan* and *Wesley Chapel Town Center Character Area* to provide a high intensity mix of residential and commercial uses. Furthermore, the subject property is not located at the “edge” of this TC Character Area where auto-oriented uses may warrant consideration. Given the existing convenience stores and gas stations in the vicinity, there is a greater potential for the subject property to be used as a more desirable community space. Additionally, the applicant needs to provide the documentation addressing Supplemental Regulation B1. Therefore, upon review of *Section 7.4.6* (B, M, N, G, & H) of the *Zoning Ordinance*, Staff recommends “Denial”.

PLANNING COMMISSION VOTE: Withdrawal without Prejudice 8-0-0. Vivian Moore moved, LaSonya Osler seconded for withdrawal without prejudice, per the Applicant's request.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Denial. Community Council District 3 voted for denial due to concern about impacts on surrounding family-oriented uses such as nearby churches, skating rink, and day care facilities.