



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Legislation Details (With Text)

File #: 2022-2537 **Version:** 1 **Name:**
Type: Ordinance **Status:** Preliminary Item
File created: 11/17/2022 **In control:** Board of Commissioners - Zoning Meeting
On agenda: 3/30/2023 **Final action:** 3/30/2023
Title: COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Anandi JRK, LLC c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) request to allow accessory fuel pumps for a proposed convenience store within Tier 1 of the Interstate 20 Overlay District and the C-1 (Local Commercial) zoning district, at 2571 E. Wesley Chapel Way.

Indexes:

Attachments: 1. SLUP-23-1246180 Staff Report March 2023 2571 E. Wesley Chapel Way, 2. SLUP-23-1246180 Jan BOC 2023 Staff Report 2571 E. Wesley Chapel Way

Date	Ver.	Action By	Action	Result
3/30/2023	1	Board of Commissioners - Zoning Meeting	withdrawn without prejudice	Pass
3/7/2023	1	Planning Commission	denial per staff recommendation	Pass
1/26/2023	1	Board of Commissioners - Zoning Meeting	Full cycle deferral	Pass
1/5/2023	1	Planning Commission		

Public Hearing: YES ☒ NO ☐

Department: Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 05 Super District 07
Application of Anandi JRK, LLC c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) request to allow accessory fuel pumps for a proposed convenience store within Tier 1 of the Interstate 20 Overlay District and the C-1 (Local Commercial) zoning district, at 2571 E. Wesley Chapel Way.

PETITION NO: D4-2022-2537 SLUP-23-1246180

PROPOSED USE: Accessory fuel pumps for proposed convenience store.

LOCATION: 2571 East Wesley Chapel Way, Decatur, Georgia 30035.

PARCEL NO. : 15-126-03-007

INFO. CONTACT: Howard Johnson, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Anandi JRK, LLC c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) request to allow accessory fuel pumps for a proposed convenience store within Tier 1 of the Interstate 20 Overlay District and the C-1 (Local Commercial) zoning district. The property is located on the north side of Interstate 20 and the west side of East Wesley Chapel Way, at 2571 East Wesley Chapel Way in Decatur, Georgia. The property has approximately 210 feet of frontage along East Wesley Chapel Way and contains 0.935 acre.

RECOMMENDATION:

COMMUNITY COUNCIL: (Feb. 6, 2023) Deferral. (Dec. 5, 2022) Deferral.

PLANNING COMMISSION: (March 7, 2023) Denial. (Jan. 5, 2023) Denial.

PLANNING STAFF: Denial.

STAFF ANALYSIS: The applicants are requesting a Special Land Use Permit (SLUP) to allow for the placement of accessory fuel pumps in front a convenience store. The applicants bought and converted this formally abandoned liquor/package store into a convenience store. The surrounding parcels are zoned for either C-1 (Local Commercial) or M (Light Industrial) uses. This site is very close to the Interstate 20 and Wesley Chapel intersection, which is considered a major intersection within metro Atlanta and carries a substantial amount of daily traffic. A convenience store with fuel pumps is compatible with existing commercial or industrial uses. This 0.935-acre parcel is zoned C-1 (Local Commercial) and is located within Tier 1 of the I-20 Corridor Compatible Use Overlay District. The I-20 Overlay District prohibits a liquor/package store, but it does allow for a convenience store. The applicants have obtained the proper county and state licenses to sell beer and wine only, but they do not intend to sell liquor. The I-20 Overlay regulations includes in its goals under the purpose and intent which may conflict with this proposal. The noted goals in Section 27- 3.33.3 include: B. To provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobiles and other motorized means of transportation; and; D. To permit and to encourage mixed-use developments containing both commercial and residential use so, as to create a pedestrian-oriented community in which people can live, work and play. Additionally, in Section 3.33.4, Tier 1 of the I-20 regulations states that the purpose of Tier 1 is to allow the most intense mixed-use development. It states that the goal is: To allow for redevelopment of the oversized parking areas with new buildings including retail, office, and residential on one (1) parcel to decrease the need for vehicular trips. Therefore, this proposal to add fuel pumps to the convenience store, may encourage more vehicle trips from Interstate 20 into the Wesley Chapel area. Furthermore, approving the installation of new fuel pumps at this location undermines the high-density redevelopment goals of the I-20 Overlay. The *2050 Unified Comprehensive Land Use Plan* places this site under the core portion Town Center character area. *“The intent of the Town Center character area is to promote the concentration of higher intensity residential and commercial uses, which serve several communities surrounding the center, in order to reduce automobile travel, promote walkability and increased transit usage. These areas act as a focal point for several neighborhoods with moderate densities and a variety of activities such as retail, commercial, professional office, housing, and public open space that are all easily accessible by pedestrians.”* (Page 33, *2050 Unified Comprehensive Land Use Plan*). This proposal to add fuel pumps, consisting of four fuel islands, to the convenience store does not appear to be a high intensity commercial use and may encourage more vehicle trips from the Interstate 20 into the Wesley Chapel area. The proposal also fails to promote walkability and increased transit usage. Therefore, the proposed use is inconsistent with the policies of the policies of the *2050 Unified Comprehensive Land Use Plan* and this property’s designation as part of the Town Center character area. This property is also covered under the *Wesley Chapel Activity Center, Livable Centers Initiative Redevelopment Plan Report*. The redevelopment of the subject parcel and surrounding area is addressed under the Wesley Chapel- Snapfinger Woods Drive Commercial Redevelopment (Page 66). The LCI states that this northeastern corner of the I-20 and Wesley Chapel intersection is one of the most logical locations for new commercial development. However, in order to “close the gap between the LCI vision for the property of the study area and what currently occupies it, the building forms need to increase to a standard of at least 3 to 4 stories...” and an internal street grid should be introduced. The LCI shows this parcel as part of a larger redevelopment that would result in a high-density density mixed used development. The proposal to add fuel pumps to a

convenience store undermines the community's goal of high-density commercial development at this location. This proposal does not support the vision and goals described in the LCI report. Additionally, the proposed site plan shows a new 10-foot-wide sidewalk along East Wesley Chapel Way and a proposed 5-foot sidewalk from East Wesley Chapel Way into the rear parking lot. The applicant stated that the subject property is large enough to accommodate the proposed fuel pumps, but the applicant will be required to apply for a variance to reduce the number of parking spaces. Therefore, upon review of Section 7.3.5 of the *Zoning Ordinance*, staff recommends "Denial".

PLANNING COMMISSION VOTE: (March 7, 2023) Denial 9-0-0. Jan Costello moved, Deanna Murphy seconded for Denial, per Staff recommendation. **(January 5, 2023) Denial 9-0-0.** Jan Costello moved, LaSonya Osler seconded for Denial, per Staff recommendation.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: (February 6, 2023) Deferral 9-0-0. Deferred for further information regarding the fuel company partnership and a more specific timeline regarding improvements to the building. **(December 5, 2022) Deferral with conditions 7-1-0.** Deferred with 3 conditions: 1) Applicant shall provide sufficient lighting for both sides of the store to address loitering and safety concerns; 2) Closing time for the store shall be midnight; and, 3) Applicant shall provide security cameras for both sides of the store to address loitering and safety concerns.