



**PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT**

SLUP-22-015

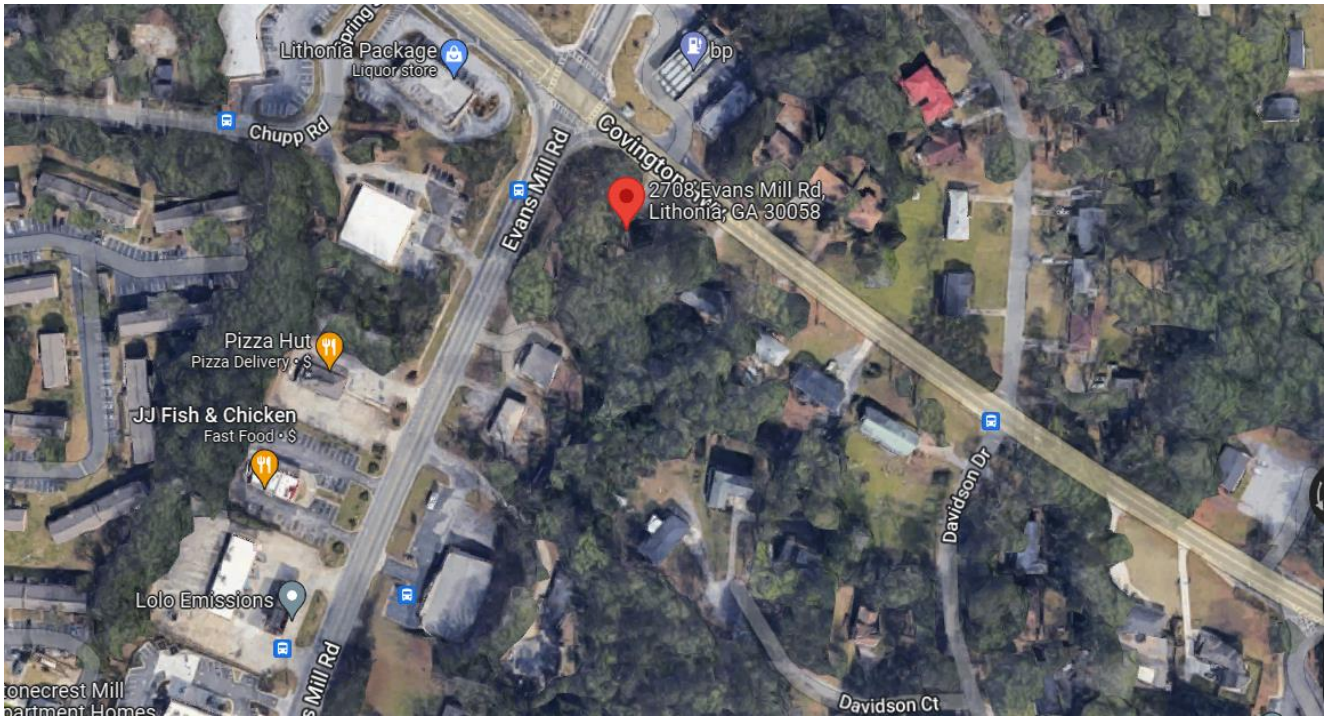
**Planning Commission January 3, 2023 / Mayor and City Council Meeting February 27, 2023**

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**GENERAL INFORMATION**

<b>Petition Number:</b>	SLUP-22-015
<b>Applicant:</b>	Jim Gamble
<b>Owner:</b>	Harbour Capital, LLC
<b>Project Location:</b>	2708 Evans Mill
<b>District:</b>	District 1
<b>Acreage:</b>	1.06 acres
<b>Existing Zoning:</b>	C-1 (Local General)
<b>Proposed Request:</b>	Special Land Use Permit to operate as a drive-thru restaurant.
<b>Comprehensive Plan Community:</b>	Regional Center (RC)
<b>Area Designation</b>	Regional Center (RC)
<b>Staff Recommendations:</b>	<i>Approval/Conditional</i>
<b>Planning Commission:</b>	N/A
<b>City Council:</b>	N/A

Aerial Map



**ZONING CASE: SLU-22-015**

ADDRESS: 2708 Evans Mill Road, STONECREST, GA 30058

PARCEL NUMBER: 16 137 15 009

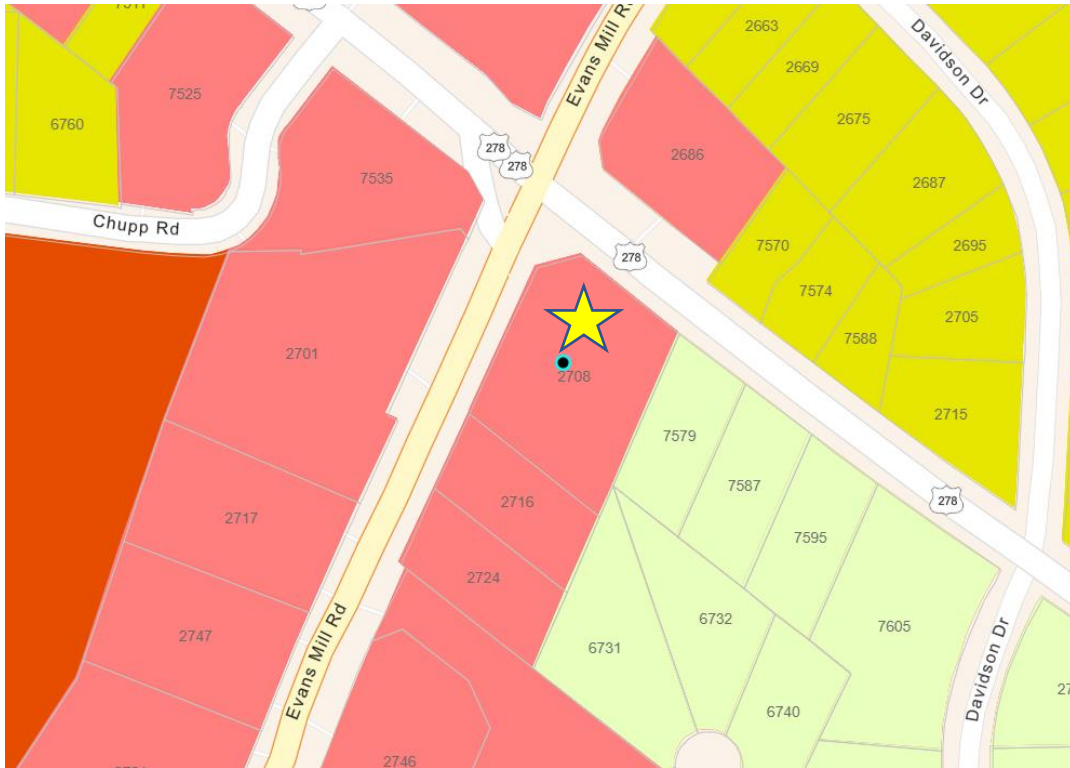
CURRENT ZONING: C-1 (Local Business)

FUTURE LAND USE: Regional Center (RC)



SUBJECT PROPERTY

**Zoning Map**



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SUBJECT PROPERTY



## **PROJECT OVERVIEW**

### **Location**

The subject property is located at 2708 Evans Mill Road at the northeast corner of Evans Mill Road and Covington Highway. The subject property is an undeveloped lot that is moderately wooded in nature. The property is bounded by commercial and residential development on all sides.

### **Description and Background**

The subject property had a previous zoning petition in 1980 (Z-80012).





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**Special Land Use Permit Request**

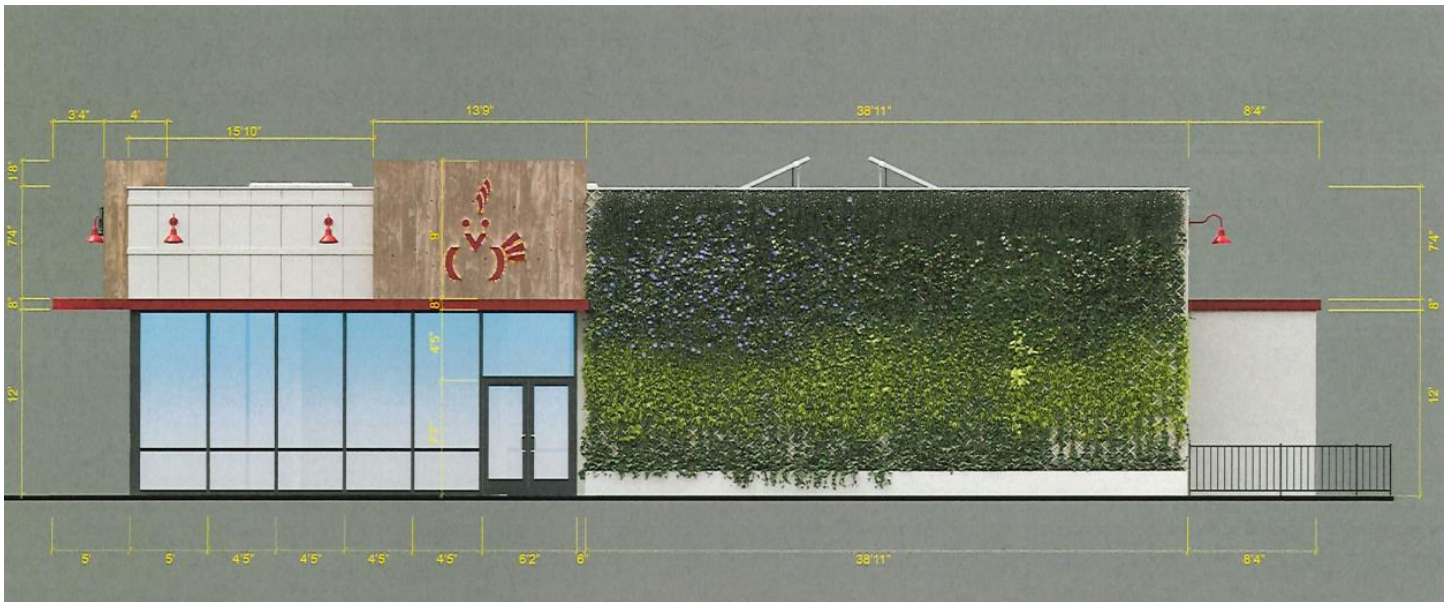
The applicant is requesting a special land use permit to operate a drive-thru restaurant

**Elevations**









**Public Participation**

Property owners within 1000 feet of subject property were mailed notices of the proposed rezoning on November 30th. The community meeting was held on December 13<sup>th</sup>, 2022, at 6:00 pm at via zoom.com. There were 25 public participants involved in the meeting. Many of the comments were in support of the development, but expressed concerns about the restaurant having ingress/egress on Covington Highway due to the existing heavy flow of traffic.

**CRITERIA OF REVIEW**

Section 7.4.6 of the Stonecrest Zoning Ordinance lists nineteen factors to be considered in a technical review of a special land use permit completed by the Community Development Department and Planning Commission. Each criterion is listed with staff analysis.



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- A. Adequacy of the size of the site for the use contemplated and whether the adequate land area is available for the proposed use, including the provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.**

The subject property is currently undeveloped and is moderately wooded. The proposed development is zoned C-1 and allows the drive-thru restaurant by way of a Special Land Use Permit.

- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

The compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

- C. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

There are adequate public services, public facilities, and utilities to serve the proposed use.

- D. Adequacy of the public street on which the use is proposed to be located and whether there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.**

There appears to be adequate roadway infrastructure to serve the intended use.

- E. Whether existing land uses located along access routes to the site will be adversely affected by the vehicles' character or the volume of traffic generated by the proposed use.**

The character of the vehicles which will patronize the restaurant are completely consistent with the surrounding community and infrastructure.

- F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of a fire or another emergency.**

The proposed development will have one point of ingress/egress on Covington Highway.

- G. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.**

The proposed use does not appear it will create an adverse impact upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

- H. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.**





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The proposed hours of operation for the restaurant will be from 11am until 9pm. The hours should not have any adverse impact on the surrounding land uses.

**I. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.**

The proposed use will not create adverse impacts upon any adjoining land use by reason of the manner of operation.

**J. Whether the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.**

The proposed use is consistent with the zoning district and the comprehensive land use.

**K. Whether the proposed use is consistent with the policies of the comprehensive plan.**

The proposed use of restaurant drive-thru is consistent with the polices of the comprehensive plan.

**L. Whether the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.**

The proposed use will require a 50' transitional buffer between commercial and residential.

**M. Whether there is adequate provision of refuse and service areas.**

The owner/operator will provide an adequate refuse and service area.

**N. Whether the length of time for which the special land use permit is granted should be limited in duration.**

The Special Land Use Permit shall be granted under the duration of the owner/operator.

**O. Whether the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings.**

The proposed building shall be of 2500 sf and will not impactful to the adjacent residential lot.

**P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.**

This use will not adversely affect any historic buildings, sites, districts, or archaeological resources.

**Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permits.**



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The proposed use submitted to Staff has met all the requirements within the supplemental regulation Sec 4.2.58 set forth by the zoning ordinance.

**R. Whether the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.**

There will not be a negative shadow impact on any adjoining lot or building as a result of the height. The applicant shall follow the building standards of C-1.

**S. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.**

The proposed use is consistent with the needs of the neighborhood or the community as a whole.

### **STAFF RECOMMENDATION**

Base on the findings and conclusions, it appears the applicant does not meet all the criteria for approval. Therefore, Staff recommends *Approval/Conditions of SLUP-22-015*.

1. The Special Land Use Permit shall be valid as long as Harbour Capital/Boston Market is the owner/operator.
2. Ingress/egress should consist of a right-in and right-out.
3. Applicant shall install sidewalks along the frontage on Covington Highway and Evans Mill Road.