



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

**Planning Commission September 16<sup>th</sup>, 2020 / Mayor and City Council Meeting September 28<sup>th</sup>, 2020**

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**GENERAL INFORMATION**

**Petition Number:** SLUP-20-003

**Applicant:** RS Covington Development c/o Julie Sellers

**Owner:** Lithonia Real Estate Development

**Project Location:** 7101 Covington Hwy

**District:** District 2

**Acreage:** 2.75 acres

**Existing Zoning:** C-1 (Local Commercial) District

**Proposed Zoning:** C-1 (Local Commercial) District

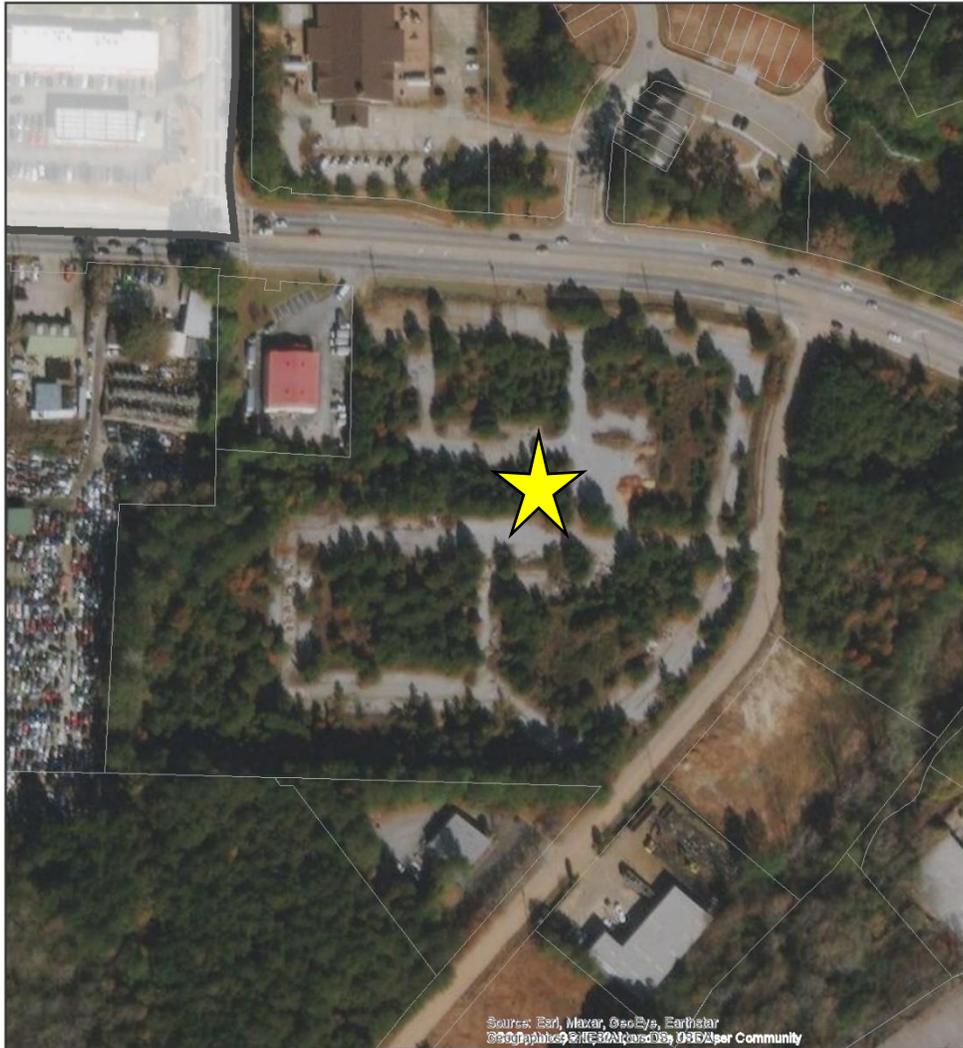
**Comprehensive Plan Community:  
Area Designation** Urban Neighborhood

**Proposed Development/Request:** The applicant is requesting a special land use permits to construct a 6,000 square foot convenience store with the accessory fuel pump and drive thru per Sec 4.2.23 and Sec.4.2.28

**Staff Recommendations:** **Approval with Conditions**

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Aerial Map



ZONING CASE: **SLUP-20-003**

ADDRESS: **7101 Covington Hwy**

CURRENT ZONING: **C-1 (Local Commercial) District**

FUTURE LAND USE: **Urban Neighborhood**



**Subject Property**

0 0.025 0.05 mi



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Zoning Map



ZONING CASE: **SLUP-20-003**

ADDRESS: **7101 Covington Hwy**

CURRENT ZONING: **C-1 (Local Commerical) District**

FUTURE LAND USE: **Urban Neighborhood**



**Subject Property**





## PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

### PROJECT OVERVIEW

#### Location

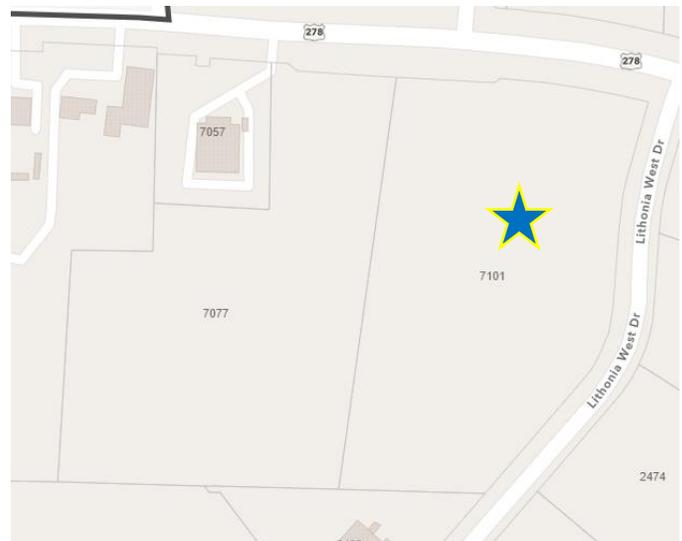
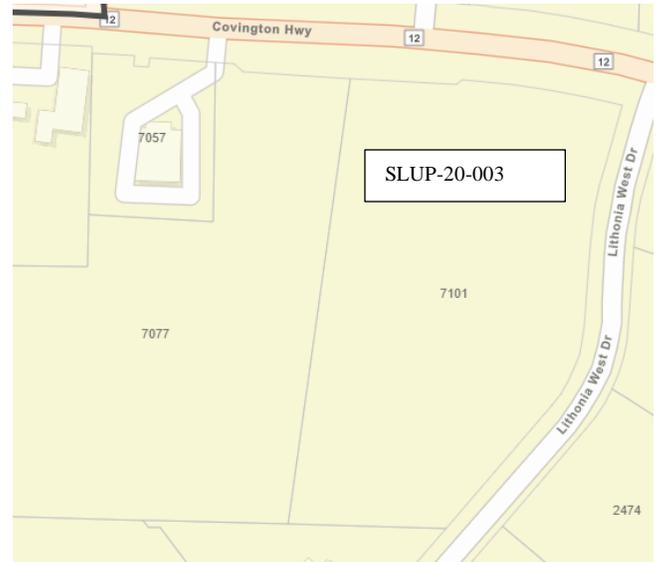
The subject property is located at 7101 Covington Hwy. The property is approximately 1,650 feet west of Covington Hwy and Lithonia Industrial Blvd intersection.

The property is bounded by Covington Hwy to the north, by an industrial zoned property to the south, an undeveloped parcel to the east and commercial zoned property to the west.

#### Background

Currently, the property has kept its original zoning classification of C-1 (Local Commercial) under Stonecrest Zoning Ordinance but original was in the Stonecrest Tier IV Overlay. The property was removed during the November 25<sup>th</sup> City Council Meeting.

The property has been partially been developed with paved road existing on the property and sewer pipes. The topography of the property is characterized as being even throughout.





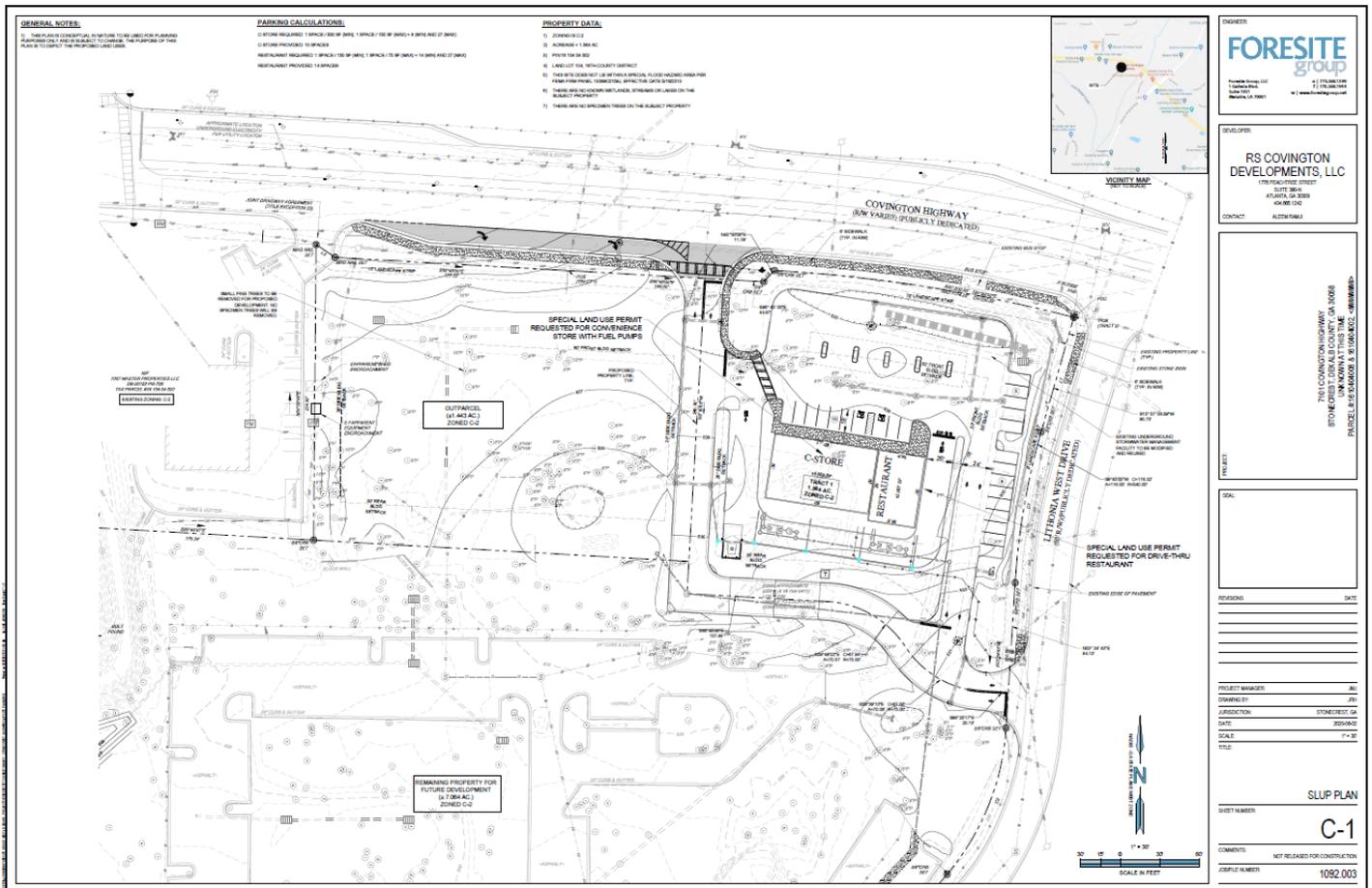
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**Rezoning Request**

The applicant is requesting special land use permits the subject property to construct a 6,000 commercial convenience store and drive through. It should be noted the applicant can build the convince store with accessory fuel pumps without a SLUP per Sec.4.2.28 Stonecrest Zoning Ordinance. The applicant indicated it would prefer to develop the property with the restaurant drive, though than just a standalone convenience store.

The first (A) request for the convenience store with accessory fuel pumps will be a total of 4,000 square feet, and the second (B) request is for the restaurant with a drive-through that will be 2,000 square feet. The applicant has provided a conceptual site plan and proposed elevations for review;

**Conceptual Site Plan**







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### CRITERIA OF REVIEW

Section 7.4.6 of the Stonecrest Zoning Ordinance list 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. \*

- A. Adequacy of the size of the site for the use contemplated and whether or not 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 approximately 4,000 square foot commercial space on 1.5 acres is adequate for the operation of a retail convenience store with accessory fuel pumps and 2,000 square feet for the restaurant drive through

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

Both the proposed convenience store with accessory fuel pumps and restaurant drive through is compatible with the adjacent properties and land uses in the district Staff believes a convenience store with fuel pumps and restaurant with a drive through retail would be with the surrounding business in the immediate area.

- 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 for both uses.

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

Covington Hwy classified as minor arterial, and the Planning Staff believes little or no impact on the public streets or traffic in the area for both uses.

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

The existing land use located along the access routes to the site would not be adversely affected by the character of the vehicles or the volume traffic generated by the proposed uses. Covington Hwy is a minor arterial road that is designed to handle a commercial development.

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



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The existing subject property can be accessed by vehicles via an existing curb cut with a driveway on Covington Hwy and secondary access via Lithonia West Drive. Emergency vehicles can access the site from the existing driveway.

**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 will not create an adverse impact upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use. The adjoining property is zoned commercial.

**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.**

The proposed uses will not create an adverse impact upon any adjoining land use by reason of the hours of operation of the proposed uses. The adjoining property is undeveloped.

**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 uses will not create an adverse impact upon any adjoining land use by reason of the manner of operation of the proposed uses. The adjoining property is undeveloped.

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

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

The proposed use is consistent with the policies of the comprehensive plan. Staff believes the convenience store with accessory fuel pumps and restaurant with a drive-through is intended for small-scale convenience goods or services meant for the area. There are several similar business places along Covington Hwy.

**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 uses do not require buffer and transitional buffers required by the zoning district.

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

An adequate refuse and service area will be provided by the applicant.

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



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Staff believes there is not a compelling reason to limit the special land use duration as the applicant.

**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 convenience store with accessory fuel pumps and restaurant with drive through has the appropriate structure, which is consistent in size, scale, and massing with adjacent and surrounding buildings in the area.

**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.**

The proposed use submitted site plan submitted to Staff has met all the requirements within the supplemental regulation Sec 4.2.23 and Sec 4.2.28 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.**

The proposed uses will not exceed the height of nearby residential structures. The proposed building would be similar to the height of other commercial developments in the area. There will be no negative shadow impact on any adjoining lot.

**S. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.**

The proposed use of a convenience store with fuel pumps would result in excessive proliferation of similar use in the subject character area as there are no other existing convenience stores. The proposed use of restaurant with a drive-through would not result in a disproportionate proliferation.

**T. 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 convenience store with auxiliary fuel pumps would not be consistent with the needs of the neighborhood or the community as a whole, and the restaurant drive-through would be consistent with the needs of the neighborhood and compatible with the neighborhood and is not in conflict with the overall objective of the comprehensive plan.



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### **STAFF RECOMMENDATION**

Base on the findings and conclusions, it appears the applicant does not meet all the criteria for approval. However, since the applicant has the right to construct a convenience store with fuel pumps without the special land use permit by meeting three of four criteria in Sec 4.2.23 of the zoning ordinance. The Staff believes the convince store with fuel pumps and restaurants with a drive, though, would be a better fit for the city than the standalone convenience store. Therefore, Staff recommends, **subject to the following conditions:**

1. The use of the Subject Property for any of the following shall be strictly prohibited:
  - a. A child's daycare center and/or kindergarten.
  - b. Barbershop / Beauty Salon or similar establishments.
  - c. Gold-Buying establishment.
  - d. Restaurant with a drive-through.
  - e. Nightclub.
  - f. Skating rink; and
  - g. indoor and/or outdoor recreation.
2. The site shall be developed in general conformance with the site plan received by the City on June 6, 2020.
3. Exterior elevations shall be similar to the elevations received by the City on June6. Final elevations shall be subject to review and approval of the Planning and Zoning Director.
4. Owner/Developer shall install a five-foot (5') wide sidewalk along the entire frontage of Covington Hwy.
5. Owner/Developer shall obtain all permits required by the City of Stonecrest in accordance with the development of the subject property.