



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

SLUP-20-007/008

**Planning Commission March 2<sup>nd</sup>, 2021 / Mayor and City Council Meeting January 22<sup>nd</sup>, 2021**

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**GENERAL INFORMATION**

**Petition Number:** SLUP-20-007 & 008

**Applicant:** Fairington Road Center LLC c/o Maffery Tucker Pickens

**Owner:** Fairington Road Center LLC

**Project Location:** 3332 Turner Hill Road

**District:** District 5

**Acreage:** 2.22 acres

**Existing Zoning:** M (Light Industrial) District

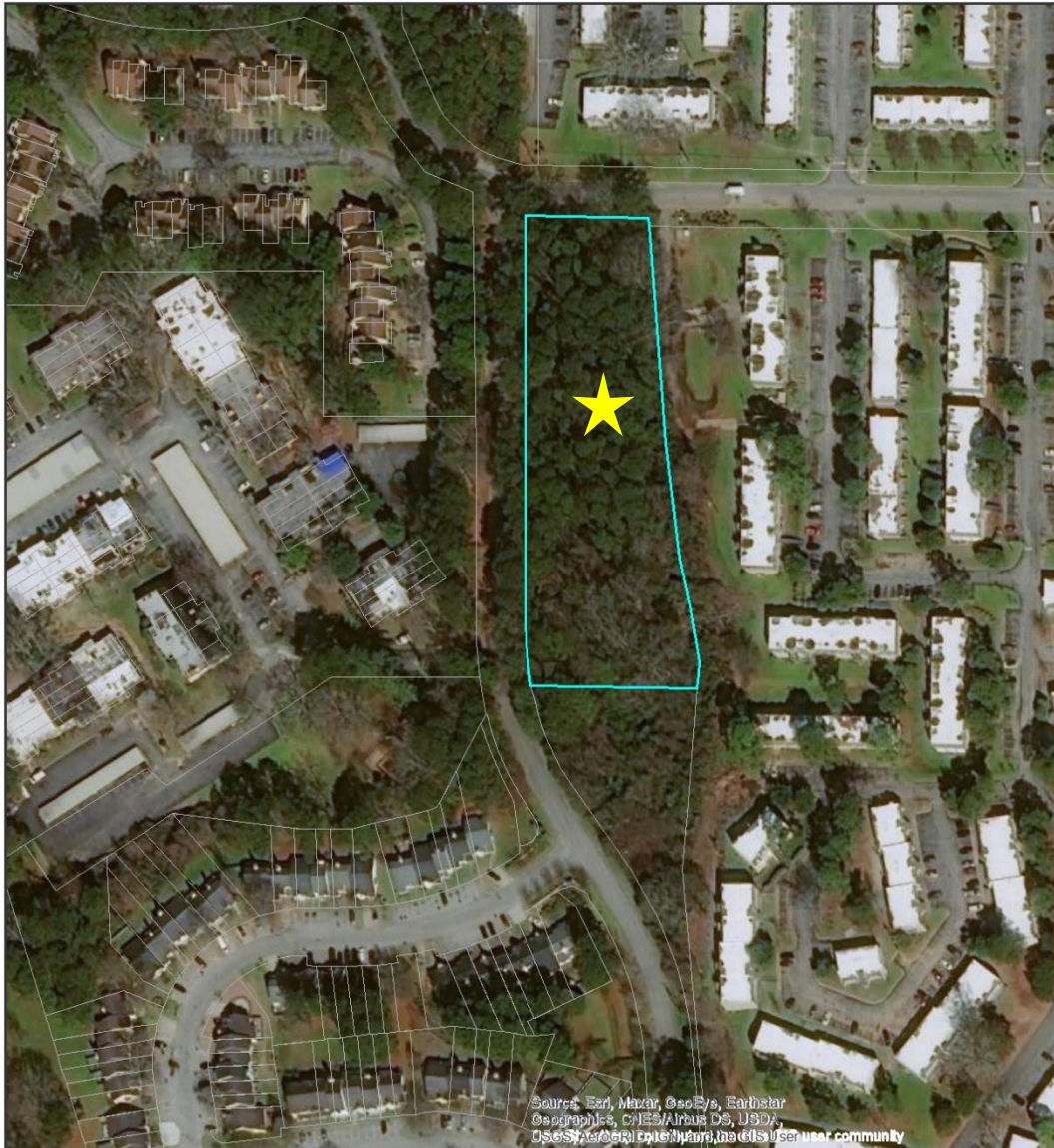
**Proposed Request:** Special Land Use Permit for fuel pumps and alcohol outlet

**Comprehensive Plan Community:  
Area Designation** Suburban

**Proposed Development/Request:** The applicant is Special Land Use permit for the development of 6,000 square foot retail center with convenience store with the accessory fuel pump and alcohol outlet per Sec. 4.2.8 and Sec.4.2.28

**Staff Recommendations:** *Denial*

Aerial Map



ZONING CASE: **SLUP-20-007**

ADDRESS: **5961 Chupp Way**

CURRENT ZONING: **M (Light Industrial) District**

FUTURE LAND USE: **Suburban**



**Subject Property**

0 0.025 0.05 mi

Zoning Map



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### PROJECT OVERVIEW

#### **Location**

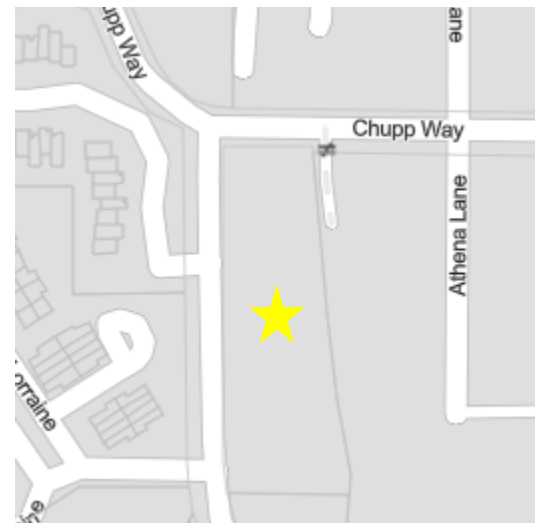
The subject property is located at 5961 Chupp Way. The property is approximately 364 feet southeast of Fairington Road and Chupp Way intersection.

The property is bounded by Fairington Road to the west and Chupp Way to the North. An undeveloped parcel to the south abuts the subject the property and multifamily development (The Hills at Fairington) to the east.



#### **Background**

Currently, the property has kept its original zoning classification of M (Light Industrial) under Stonecrest Zoning Ordinance. The property is currently undeveloped. The topography of the property is characterized as being even throughout.





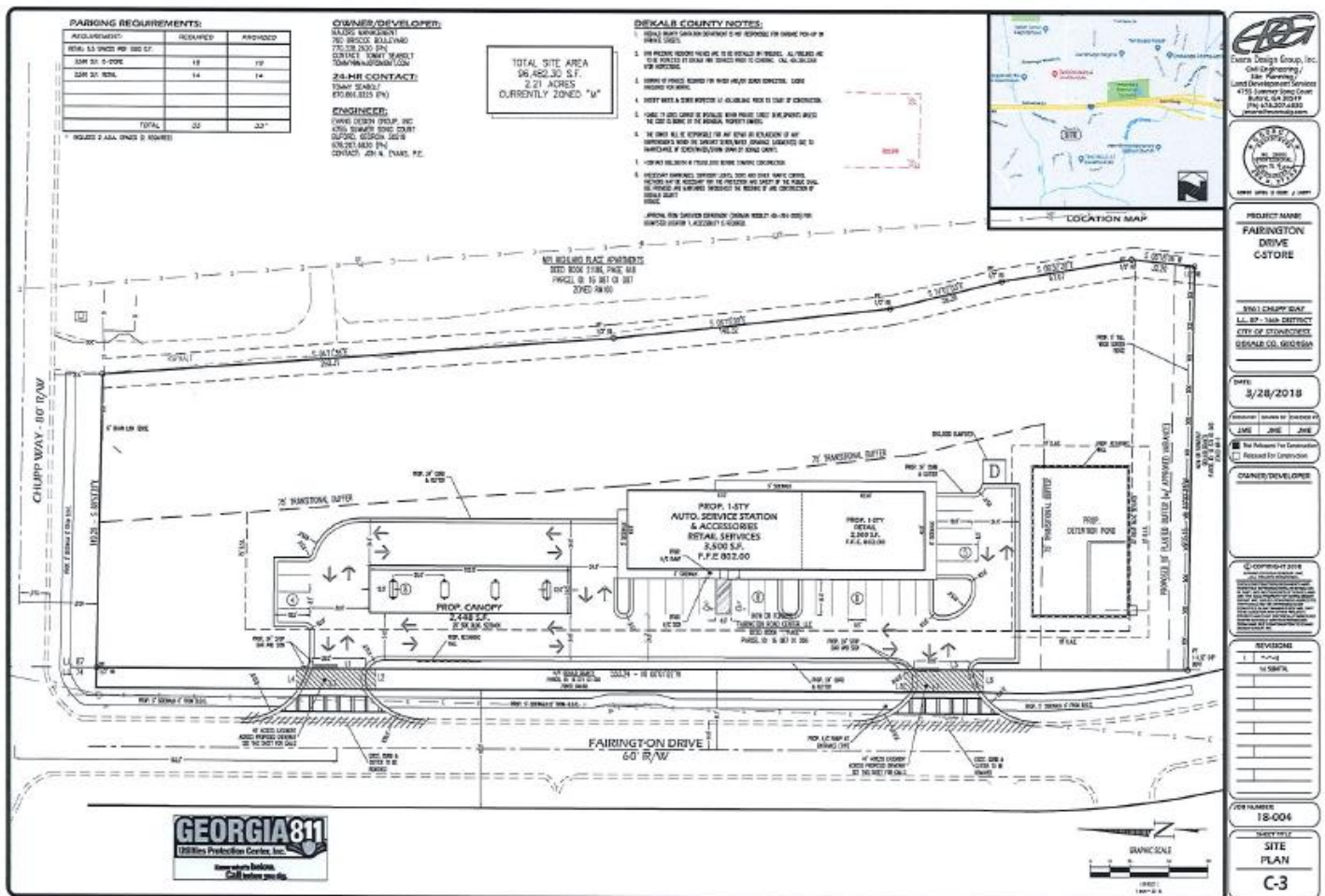
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**Rezoning Request**

The applicant is requesting two special land use permits for the construction of a 6,000 square foot C-Store. The development will include a 3,500 square foot convenience store with auxiliary fuel pumps and an alcohol outlet for beer and wine sales. There will be two 1,250 square foot retail spaces as well. The permits are only for the auxiliary fuel pumps and alcohol outlets.

**Conceptual Site Plan**



## Proposed Elevations



## Public Participation

Property owners within 500 feet of subject property were mailed notices of the proposed rezoning in October. The community meeting was held on October 28<sup>th</sup>, 2020 at 6:00 pm at via zoom.com. Several residents show up at the community meeting regarding the special land use permit application. There were several concerns from residents regarding traffic and the proposed business.



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### STANDARDS OF REZONING REVIEW

*\*The applicant submitted special land use permit application in support of the request zoning change for a specific use.*

### 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 6,000 square foot residence on 2.23 acres is adequate for the operation of a retail shopping center with a convenience store with accessory fuel pumps.

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

The proposed accessory fuel pumps are not compatible with the adjacent properties and land uses in the district. Staff believes the convenience store itself would be compatible with the surrounding area; however, with fuel pumps, it would not be the property surrounding residential uses.

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

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

- 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.**

Chupp Way and Fairington Road are classified as local streets, and the Planning Staff believes the proposed use would increase traffic and create congestion in the area. The planning staff has requested a traffic study to evaluate further.

The applicant submitted a traffic study regarding the proposed use and staff has determined the use will generate only a modest increase in traffic and will not cause any congestion in the area.

- 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 existing land use located along the access routes to the site could be adversely affected by the vehicles' character of the volume traffic generated by the proposed use. Chupp Way and Fairington Road are local streets.



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Since the existing land use is residential, many residents walk to the surrounding properties to use the public transit.

**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.**

The proposed site will be accessed by vehicles via a new curb cut with a driveway on Fairington 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 accessory fuel pump use may adversely impact any adjoining residential land uses by reason of noise, smoke, odor, dust, or vibration.

**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 accessory fuel pump use will create an adverse impact upon any adjoining land use by reason of the hours of operation of the proposed use. The subject property abuts to single-family residential homes. Staff believes limiting the hours of the proposed use would minimize the negative impact on the residential houses.

**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 auxiliary fuel pump's operation would create an adverse impact upon the neighborhood because it would cause a proliferation of service stations in the area.

**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 accessory fuel pump use is not consistent with the policies of the comprehensive plan. Staff believes the accessory fuel pump is not consistent or compatible with the Suburban character area. The Suburban character is intended to provide small scale goods and services, such as drug stores, not fuel pumps.

**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.**





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The proposed use does provide for all required buffer and transitional buffers required by the zoning district. Submitted by the applicant, the proposed site plan indicates a transitional buffer located to the subject property's east.

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

The applicant 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.**

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 auxiliary fuel pumps 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 4.2.28 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 development would not exceed the height of nearby residential structures. The proposed building would be similar to the height abutting the property and shorter than the multifamily development located to the west of the development. There will be no negative show impact on any adjoining lot.

**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 convenience store with auxiliary fuel pumps would not be consistent with the neighborhood's needs or the community as a whole. Neither would alcohol outlets would not be compatible with the area's requirements.



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**STAFF RECOMMENDATION**

Base on the findings and conclusions, it appears the applicant does not meet all the criteria for approval. Therefore, Staff recommends, *Denial of SLUP-20-007 AND SLUP-20-008:*