



## PLANNING COMMISSION STAFF REPORT

**MEETING DATE: November 6, 2018**

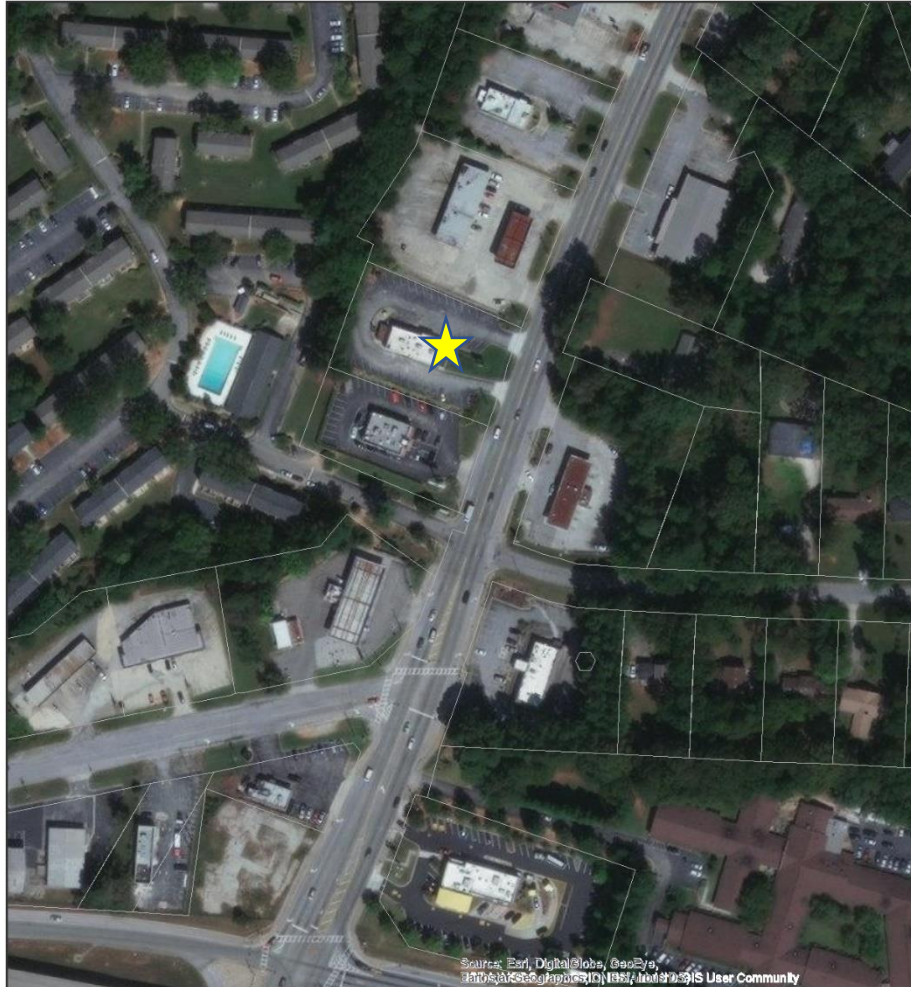
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### GENERAL INFORMATION

<b>Petition Number:</b>	SLUP 19-005
<b>Applicant:</b>	GPS Hospitality LLC c/o Hilliard Starkey Law Riveredge Parkway
<b>Owner:</b>	T Square Pivots LLC
<b>Project Location:</b>	2773 Evans Mill Road, Stonecrest GA 30038
<b>District:</b>	District 5
<b>Acreage:</b>	.81 acres
<b>Existing Zoning:</b>	Local Commercial (C-1) District
<b>Proposed Zoning:</b>	Local Commercial (C-1) District
<b>Proposed Development/Request:</b>	The applicant is requesting a Special Land Use Permit (SLUP) to construct a Popeye's drive-thru restaurant in Regional Center, in accordance with Chapter 27-Article 4.1 Use Table and Sections 4.2.23 of Stonecrest Zoning Code.
<b>Staff Recommendations:</b>	<b>Approval of SLUP 19-005 with Conditions</b>



## PLANNING COMMISSION STAFF REPORT



ZONING CASE: **SLUP-19-005**

ADDRESS: **2773 Evans Mill Road**

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

FUTURE LAND USE: **Regional Center**

0 0.025 0.05 mi

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ZONING CASE: **SLUP-19-005**

ADDRESS: **2773 Evans Mill Road**  
CURRENT ZONING: **C-1 (Local Commercial)**  
FUTURE LAND USE: **Regional Center**

0 0.025 0.05 mi

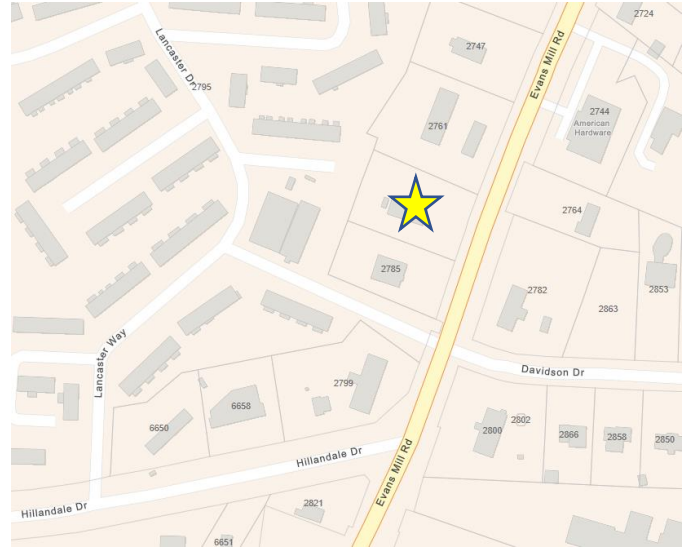


## PLANNING COMMISSION STAFF REPORT

### PROJECT OVERVIEW

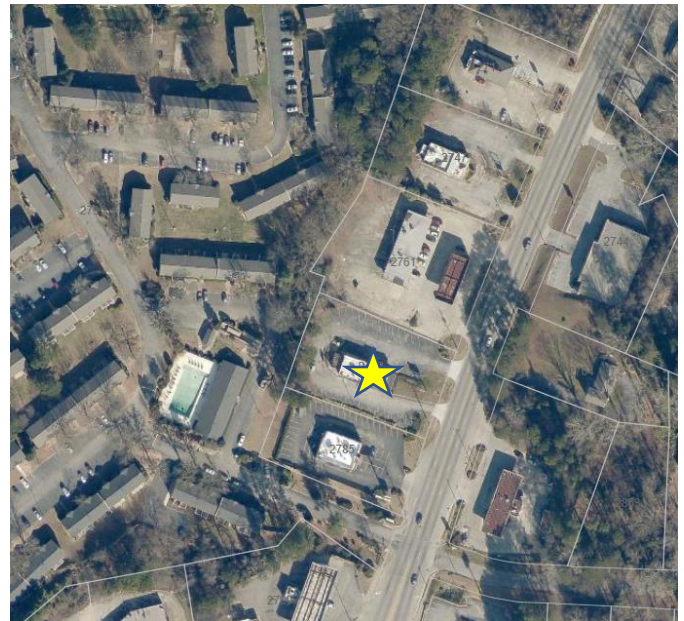
#### **Location**

The subject property is at 2773 Evans Mill Road. The subject property is approximately 0.19 mile south of Evans Mill and Covington Hwy intersection. Access is available via the existing driveways along Evans Mill Road. The subject property is surround by commercial uses to the North and South. While multifamily residence is located to the West of the subject property. Evans Mills Road bound the property to the East.



#### **Background**

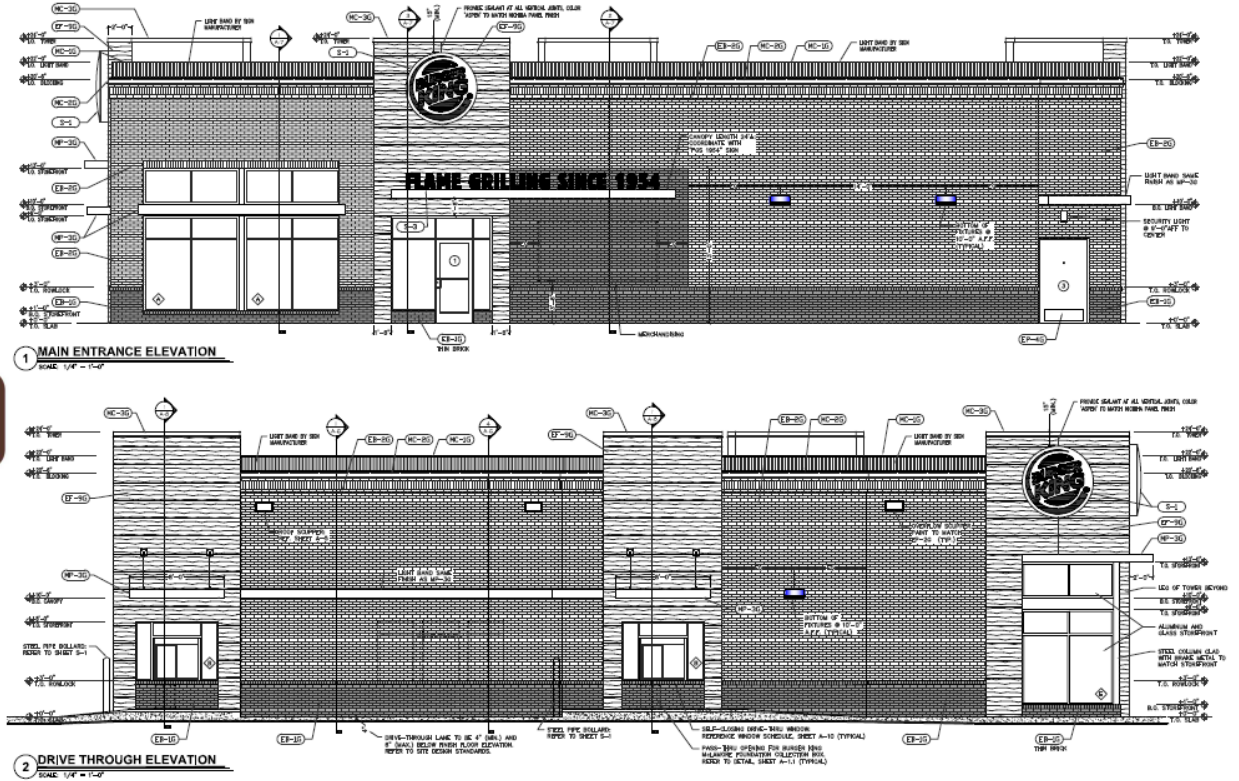
The property has kept its original zoning classification of C-1. Currently, there's an existing 2,600 square foot commercial building located on the property. The building was being used for a casual restaurant / bar called The Mill. Before the previous owner began operation, the property was being used for a Wendy's fast food restaurant.





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**Existing Elevations**



**DESIGN**

BY: \_\_\_\_\_

Approved in compliance

Approved as noted

Revise and resubmit

DATE: \_\_\_\_\_

**Special Land Use Permit Request**

The applicant is requesting a Special Land Use Permit to operate a drive-thru facility at the subject property. The applicant intends to construct a 2,972 square foot restaurant with 37 on-site parking spaces.

**Neighborhood Meeting**

Property owners within 500 feet of the subject property were mailed notices of the propose special land use permit application. The community meeting was held on September 26<sup>th</sup>, 2019 at 6:30 pm at Stonecrest City Hall. There was one citizen in attendance for the community meeting. The resident was interested in seeking more information regarding the application.



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### STANDARDS OF REVIEW

- 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 2,972 square foot building on the 0.8 acres is adequate. The site has previously been used for a restaurant with a drive-thru meeting all the open space, off-street parking and all other applicable requirements set forth by the zoning district.

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

The proposed use is compatible with the adjacent properties and land use in the district. Adjacent to the southeast of the property is Captain D's fast food restaurant which is exactly same use at the proposed use. Further to the southeast along Evans Mill Road are several fast foods or casual dining businesses.

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

The existing parcel is in an established commercial node, it appears that there are adequate public services, public facilities, and utilities to serve the proposed restaurant as other similar establishments operated at the same location.

- 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.**

Evans Mills Road is a four (4) lane minor arterial road. The Planning staff believes the road has sufficient traffic-carrying capacity for the proposed use. Staff also believes the proposed use will not create congestions in the area.

- 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 traffic of the vehicles generated by the proposed use will not adversely impact existing land use along access routes to the sites. The proposed use is not expected to generate large volume of traffic.

- 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 other emergency.**

The parcel has two existing ingresses and egress cut into the property. The existing curbs cuts will be enough sufficient to provide access to property.



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**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 may not create an adverse impact upon any adjoining properties 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.**

Per the information submitted with the application, the restaurant will be operating at similar hours as the fast food business south of the property.

**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 operation of the fast food restaurant with the drive thru will not affect the adjoining commercial properties. The site will original used for fast /casual dining restaurant.

**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 requirements of the C-1 (Local Commercial) District.

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

The property is in the Regional Center Character area designated by the 2038 Comprehensive Land Use Plan. The Regional Center character area is intended to develop high intensity and large-scale commercial development in the area. The proposed use is not listed as primary land use however the use is consistent with the character area. Staff believes the proposed use would not alter or change the character of the immediate area and still meet the spirit of the comp 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 has met all required buffer zones and transitional buffer set forth in the Stonecrest Zoning Ordinance Sec 5.4.5.

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

An adequate refuse area will be provided. The trash pad will be located at the rear of the building and will be picked up according to the DeKalb County Sanitation pick up schedule.

**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 no compelling reason for limiting the duration of the requested Special Land Use Permit.

**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.**

Staff believes the size, scale, and massing of the proposed building are appropriate in relation to the size of the property.

**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 satisfies the requirement contained within the supplemental regulations set forth in the Stonecrest 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.**

Adjacent and surrounding properties have similar structures heights as the proposed building. There will be no negative shadow that will 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 use appears to be consistent and compatible with the neighborhood and community by providing another dining option in the immediate area. It also encourages redevelopment of other underutilized or vacant properties in the area. The proposed use would not be in conflict with the overall objective of the comprehensive plan.





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### **RECOMMENDATION**

Staff recommends Approval of **Special Land Use permit SLUP-19-0005** at 2773 Evans Mill Road with the following conditions:

1. The Special Land Use Permit shall be issued to Todd Jackson (agent) or GPS Hospitality for the operation of a restaurant with a drive-thru and shall not be transferable.
2. The applicant shall secure the necessary business license, building permits, land disturbance permit and all required permits from the City of Stonecrest.
3. The applicant shall follow the supplemental regulations Section 4.2.23 cited in the Stonecrest Zoning Ordinance.