



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

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

GENERAL INFORMATION

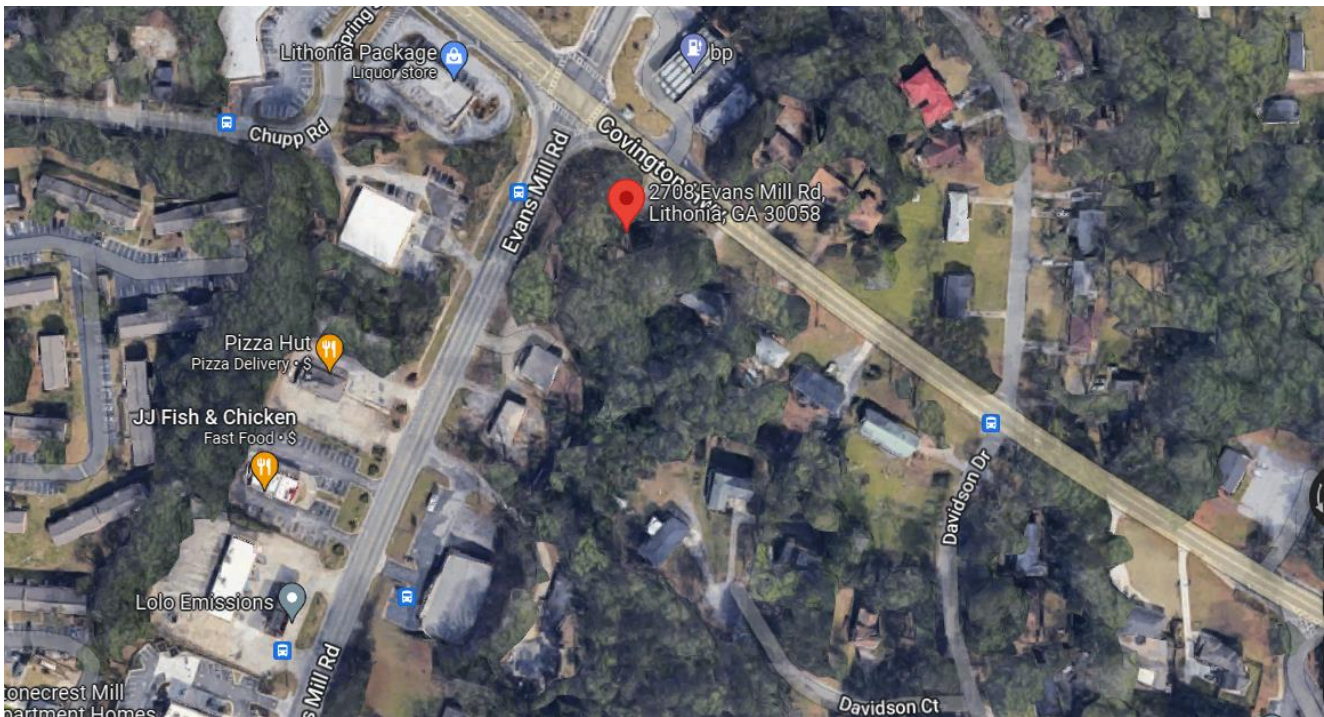
Petition Number:	SLUP-22-015
Applicant:	Jim Gamble
Owner:	Harbour Capital, LLC
Project Location:	2708 Evans Mill
District:	District 1
Acreage:	1.06 acres
Existing Zoning:	C-1 (Local General)
Proposed Request:	Special Land Use Permit to operate as a drive-thru restaurant.
Comprehensive Plan Community:	Regional Center (RC)
Area Designation	Regional Center (RC)
Staff Recommendations:	<i>Approval/Conditional</i>
Planning Commission:	Approved with conditions on January, 2023
City Council:	<i>N/A</i>



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

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)



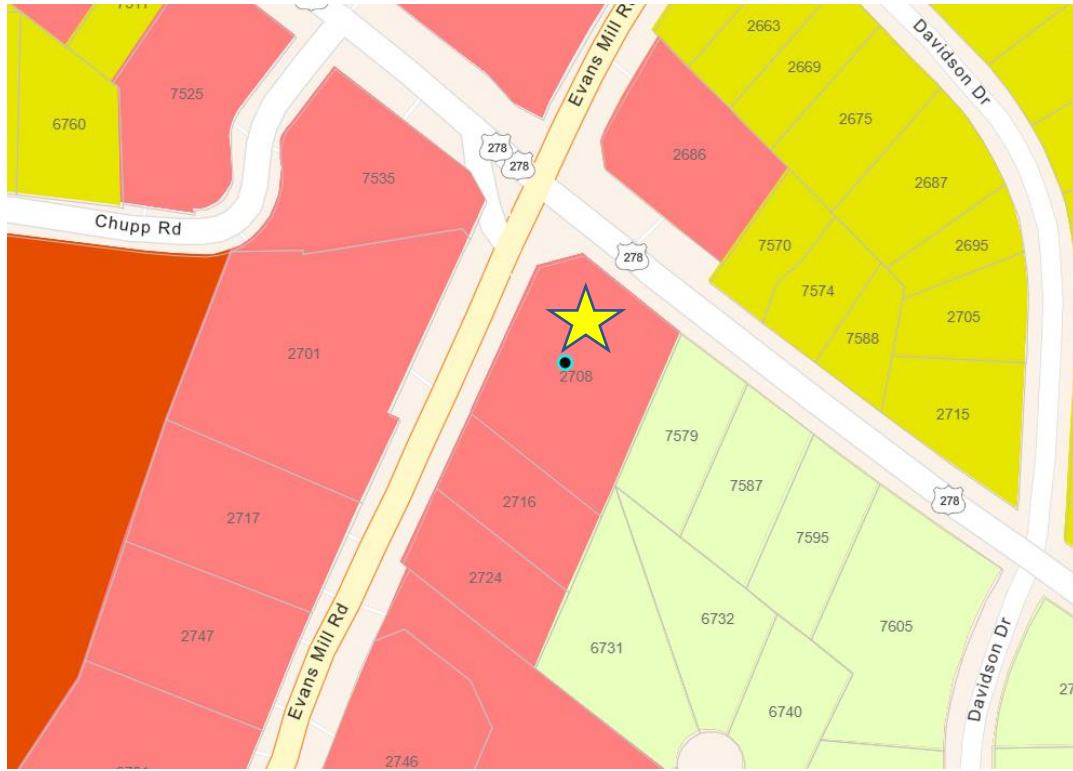
SUBJECT PROPERTY



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

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PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015



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).



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

Special Land Use Permit Request

The applicant is requesting a special land use permit to operate a drive-thru restaurant. Section 4.2.23 of the Chapter 27 Zoning Ordinance states: ***Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.***

Section 4.2.23:

All drive-through facilities must comply with the following:

A.

Drive-through facilities shall not be located within 60 feet of a residentially zoned property, as measured from any menu or speaker box to the property line of adjacent residential property, unless part of a mixed use development.

B.

No drive-through facility shall be located on a property less than 10,000 square feet in area, unless part of a mixed use development. Stacking spaces for queuing of cars shall be provided for the drive-through area as required in [article 6](#) of this chapter.

C.

Drive-through lanes and service window serving drive-through lanes shall only be located to the side or rear of buildings.

D.

Drive-through canopies and other structures, where present, shall be constructed from the same materials as the primary building and with a similar level of architectural quality and detailing.

E.

Speaker boxes shall be directed away from any adjacent residential properties and shall require masonry sound attenuation walls with landscaping or other speaker volume mitigation measures. Speaker boxes shall not play music but shall only be used for communication for placing orders.

F.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

All lighting from drive-through facilities shall be shaded and screened so as to be directed away from any adjacent residential properties.

G.

Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following requirements. Stacking spaces shall be a minimum of ten feet wide and 25 feet long. Stacking spaces shall begin at the last service window for the drive-through lane (typically the pick-up window).

H.

All drive-through facilities with the exception of drive-through restaurants shall provide at least three stacking spaces for each window or drive-through service facility.

I.

The following general standards shall apply to all stacking spaces and drive-through facilities:

a.

Drive-through lanes shall not impede on- and off-site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.

b.

Drive-through lanes shall be separated by striping or curbing from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.

c.

All drive-through facilities shall include a bypass lane with a minimum width of ten feet, by which traffic may navigate around the drive-through facility without traveling in the drive-through lane. The bypass lane may share space with a parking access aisle.

d.

Drive-through lanes must be set back five feet from all lot lines and roadway right-of-way lines.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

e.

Owner and operator are responsible for daily litter clean-up to ensure the property remains free of trash, litter, and debris.

f.

Drive-through restaurants shall not be located within 500 feet of an elementary, middle, or high school.

g.

Drive-through restaurants located in activity centers require a special land use permit. In all other character areas a special land use permit is required unless the facility can meet at least two of the following criteria:

i.

Facility is located within 400 feet of an intersection of a major arterial street and a major or minor arterial street, or within 1,000 feet of an interstate highway interchange do not require a special land use permit.

ii.

Facility is accessible only through interparcel access or through a shared driveway.

iii.

Facility is part of a major redevelopment, as defined in section 27-8.1.16.

h.

Distance shall be measured from the right-of-way of the exit or entrance ramp, or street corner (middle of the radius), along the intersecting street right-of-way, to the nearest property line.

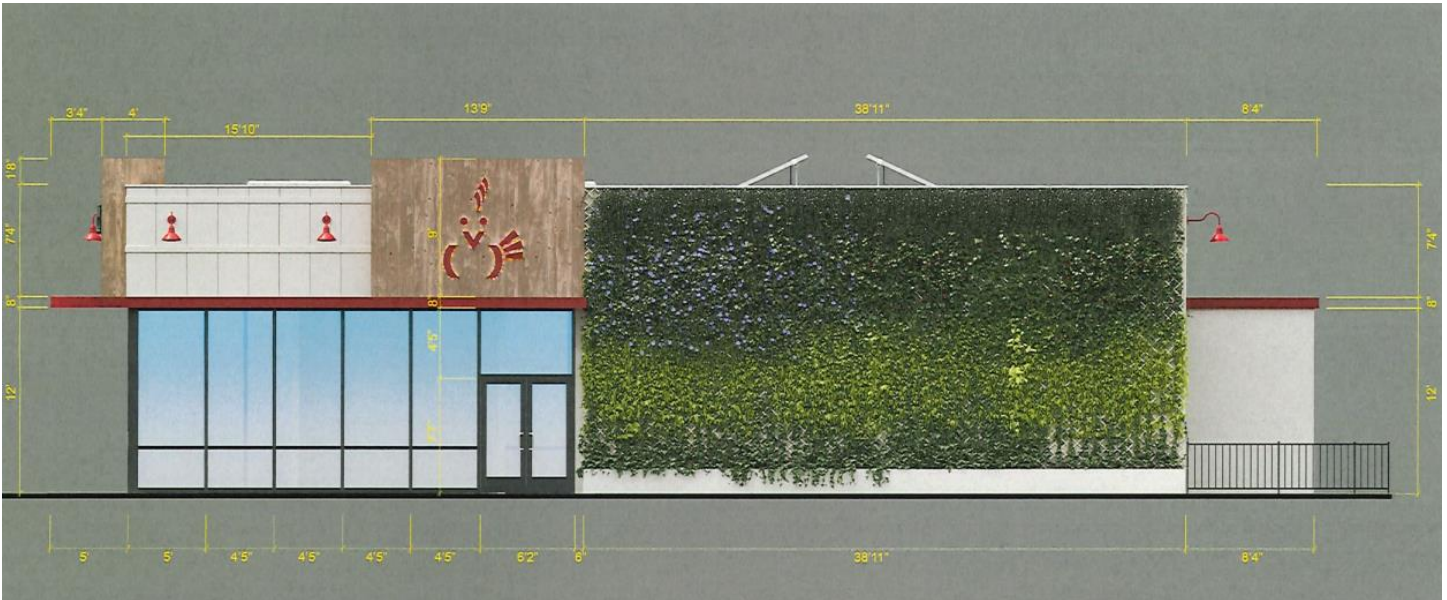
Elevations





PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015



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 13th, 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 proposed ingress/egress 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.

- 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. The subject property is available for the proposed use, including all of the required provisions.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

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.

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.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

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 policies 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 be 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.

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.



PLANNING COMMISSION / MAYOR AND CITY COUNCIL STAFF REPORT

SLUP-22-015

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

Based on the findings and conclusions, it appears the applicant does meet all the criteria for approval. Therefore, Staff recommends *Approval/Conditions of SLUP-22-015*.

Conditions attached by Planning Department:

1. The Special Land Use Permit shall be valid as long as Boston Market is the operator.
2. Applicant shall install sidewalks along the frontage on Covington Highway and Evans Mill Road.