



CITY COUNCIL AGENDA ITEM

SUBJECT: TMOD-21-003

ORDINANCE **POLICY** **STATUS REPORT**

DISCUSSION ONLY **RESOLUTION** **OTHER**

Date Submitted: 06/17/21 Work Session: Council Meeting: 07/26/21

SUBMITTED BY: Jim Summerbell, AICP – Planning and Zoning Director

PRESENTER: Jim Summerbell

PURPOSE: To update the provisions of the Zoning Ordinance related to Gas Service Station regulations.

FACTS AND ISSUES: Amendments to the City’s supplemental use regulations regarding gas service stations have been openly debated and discussed since 2019, when the City updated the Stonecrest Overlay District. Based on addressing concerns that there has been an over-proliferation of such uses, staff has offered the following recommended changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways designated on the City’s functional classification map in the comprehensive plan.
- Requiring that such facilities include at least 5,000 SF of retail space.

There has been concern about the proliferation of gas service stations in the City and their negative impacts on adjacent neighborhoods. These updated regulations allow Planning Commission and City Council more opportunities to review Special Land Use Permits on a case by case basis for these uses. The updates also ensure tighten up the location criteria for such uses restricting where they can be placed.



CITY COUNCIL AGENDA ITEM

OPTIONS: Table, Deny, Approve, Approve with modifications

RECOMMENDED ACTION: Approve

ATTACHMENTS:

(1) Ordinance TMOD-21-003

(2) Staff report related to actions taken by the Planning Commission on June 22, 2021

TMOD-21-003 ATTACHMENT 1:

DRAFT Ordinance TMOD-21-003

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF STONECREST**

ORDINANCE NO. TMOD 21-003

1 **AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF**
2 **STONECREST, GEORGIA, BY AMENDING DIVISION 2**
3 **(SUPPLEMENTAL USE REGULATIONS) OF ARTICLE 4 (USE**
4 **REGULATIONS) WITHIN CHAPTER 27 (ZONING ORDINANCE); TO**
5 **PROVIDE SEVERABILITY; TO PROVIDE A PENALTY; TO PROVIDE FOR REPEAL**
6 **OF CONFLICTING ORDINANCES AND RESOLUTIONS; TO PROVIDE AN**
7 **ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL**
8 **PURPOSES.**

9 **WHEREAS**, the governing body of the City of Stonecrest, Georgia (“City”) is the Mayor
10 and Council thereof; and

11 **WHEREAS**, Article IX, Section II, Paragraph IV of the 1983 Constitution of the State of
12 Georgia authorizes the City to adopt plans and exercise the power of zoning; and

13 **WHEREAS**, the governing authority of the City is authorized by O.C.G.A. § 36-35-3 to
14 adopt ordinances relating to its property, affairs, and local government; and

15 **WHEREAS**, the Mayor and Council desire to amend Division 2 (Supplemental Use
16 Regulations) within Article 4 (Use Regulations) of Chapter 27 (Zoning Ordinance) of the City’s
17 Code; and

18 **WHEREAS**, from time-to-time amendments may be proposed for public necessity,
19 general welfare, or sound zoning practice that justify such action; and

20 **WHEREAS**, national studies show that certain land uses—including alcohol outlets,
21 automobile gas stations, check cashing establishments, and convenience stores—often
22 negatively impact the health, safety, welfare, economic development, and social vitality of
23 communities and neighborhoods; and

24 **WHEREAS**, local studies show that the concentration of certain land uses in DeKalb
25 County and the City of Stonecrest—including alcohol outlets, gas service stations, and fast-food
26 restaurants—are associated with increased crime and lower median household income; and

27 **WHEREAS**, the courts specifically recognize that a concentration of the same or similar
28 business in close proximity increases the probability of business failure, which leads to
29 abandoned property and diminished aesthetic and commercial appeal; and

30 **WHEREAS**, the Director of Planning and Planning Commission recommend approval
31 based on the City Staff Report and said report is hereby incorporated by reference herein; and

32 **WHEREAS**, a public hearing pursuant to the provisions of the Zoning Procedures Act has
33 been properly held prior to the adoption of this Ordinance; and

34 **WHEREAS**, the health, safety, morals and general welfare of the citizens of the City will
35 be positively impacted by the adoption of this Ordinance.

36 **BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF**
37 **THE CITY OF STONECREST, GEORGIA**, and by the authority thereof:

38 **Section 1.** The Code of Ordinances of the City of Stonecrest, Georgia is hereby amended
39 by amending Division 2 (Supplemental Use Regulations) within Article 4 (Use Regulations) of
40 Chapter 27 (Zoning Ordinance) as it relates to alcohol outlets and fuel pumps, and inserting the
41 provisions set forth in Exhibit A attached hereto and made a part by reference.

42 **Section 2.** The preamble of this Ordinance shall be considered to be and is hereby
43 incorporated by reference as if fully set out herein.

44 **Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all
45 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their
46 enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

47 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent
48 allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is
49 severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is
50 hereby further declared to be the intention of the Mayor and Council that, to the greatest extent
51 allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually
52 dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

53 (c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for
54 any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the
55 valid judgment or decree of any court of competent jurisdiction, it is the express intent of the
56 Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the
57 greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any
58 of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to
59 the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and
60 sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and
61 effect.

62 **Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly
63 repealed.

64 **Section 5.** The Ordinance shall be codified in a manner consistent with the laws of
65 the State of Georgia and the City of Stonecrest.

Section 6. It is the intention of the governing body, and it is hereby ordained that the
provisions of this Ordinance shall become and be made part of the Code of Ordinances, City
of Stonecrest, Georgia.

ORDAINED this ___ day of _____, 2021.

CITY OF STONECREST, GEORGIA

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George Turner, Mayor Pro Tempore

ATTEST:

Patricia Wheeler, City Clerk

APPROVED AS TO FORM:

City Attorney

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EXHIBIT A
(SEE ATTACHED)

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101 **Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.**

- 102 A. Package stores, ~~unless part of a mixed-use development,~~ shall not be located:
- 103 1. Within 1,000 feet of an existing package store or alcohol outlet;
- 104 2. Within 600 feet of any residence, church, school, school building or grounds,
- 105 educational facility, college campus, or sexually oriented business; or
- 106 3. Within 600 feet of a substance abuse treatment center owned, operated or approved by
- 107 the state or any county or municipal government.
- 108 B. Alcohol outlets shall not be located:
- 109 1. Within ~~300~~600 feet of any school building, school grounds, educational facility,
- 110 college campus, or sexually oriented business; or
- 111 2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by
- 112 the state or any county or municipal government.
- 113 C. For the purpose of this section, distance shall be measured according to chapter 4.
- 114 D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of
- 115 alcohol shall not exceed twenty (20%) percent of gross floor area.
- 116 E. The sale or distribution of individual cups and individual servings of ice at package stores is
- 117 prohibited.
- 118 F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special
- 119 land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~
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122 **Sec. 4.2.28. - Fuel pumps, accessory.**

- 123 A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-
- 124 8.1.16, that also requires a land disturbance permit or building permit, the director may
- 125 require additional improvements to landscaping, signage, parking lots, sidewalks, or
- 126 building facades. Any minor redevelopment of existing structures, buildings, and physical
- 127 appurtenances is permitted by right if such changes result in greater conformity with the
- 128 specifications of this section.
- 129 B. Gas station and convenience store design shall comply with the design standards and
- 130 transitional buffer requirements set forth in article 5 of this chapter.
- 131 C. The following standards apply to all gas pumps:
- 132 (1) ~~The primary building (i.e., convenience store or automobile service station) shall be~~
- 133 ~~exempt from primary building setbacks if located in activity centers. All associated light~~
- 134 ~~fixtures shall be directed away from surrounding residential neighborhoods.~~
- 135 (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all
- 136 street rights-of-way.
- 137 (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal
- 138 building.

- 139 (4) Canopies and their columns shall be complementary to the overall color scheme and
140 building materials scheme of the building facade to which the canopy is necessary.
- 141 (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and
142 all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward
143 and downward, shall not have any spillover to adjacent properties, and shall cut off no
144 later than 30 minutes after closure of the facility.
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- 146 (6) Automobile service stations with gas sales shall have a capacity to store one car per
147 bay (car area in front of a pump), so as not to interfere with driveway ingress and egress
148 traffic flow.
- 149 (7) A minimum of 30 feet is required between a property line and the nearest gasoline
150 pump.
- 151 (8) Owner and operator are responsible for daily litter clean-up to ensure that property
152 remains free of litter, trash, and debris.
- 153 (9) When a separate retail or restaurant use is located on the same property as fuel pumps,
154 there shall be separate and distinct parking spaces for each use.
- 155 (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the
156 windows or on the outside of the building is not prohibited, but must not be visible
157 from or face adjacent residential uses.

158 D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service
159 stations ~~require a special land use permit in activity centers. In all other character areas a~~
160 ~~special land use permit is required unless that facility can~~ must meet at least three of the
161 following criteria:

- 162 1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and
163 a major or minor arterial street, or located within ~~1,000-500~~ feet of ~~an intersection within~~
164 an interstate highway intersection with an arterial street as designated on the
165 Functional Classification Map in the City Comprehensive Plan.
- 166 2. Facility is accessible via direct ~~and~~ or secondary access to two roads, ~~either through a~~
167 ~~secondary street or by interparcel or other shared access.~~
- 168 3. Facility ~~is a new building of~~ includes at least 5,000 square feet of retail space. ~~or~~
169 ~~facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
- 170 4. No more than two facilities may be located at any given intersection. Facility includes
171 ~~at least two bathrooms capable of serving at least three persons at a time, open to the~~
172 ~~public, and compliant with the Americans with Disabilities Act.~~
- 173 5. Except for facilities located at the same roadway intersection, facilities cannot be
174 located closer than 1,500 feet apart.

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

178 F. Facility includes ~~must include~~ at least two bathrooms, each capable of serving at least three
179 persons at a time, open to the public, and compliant with the Americans with Disabilities

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FG. If a reverse frontage design is proposed, the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

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GH. Service areas, storage areas, and trash enclosures shall be oriented away from public view and screened from adjacent properties.

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HI. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.

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TMOD-21-003 ATTACHMENT 2:

**Staff report related to actions taken by the
Planning Commission on June 22, 2021**



CITY COUNCIL STAFF REPORT

MEETING DATE: July 26, 2021

Report on Planning Commission Action Regarding

Petition Number: TMOD 21-003

Applicant: Stonecrest Planning & Zoning Department

Project Location: City-Wide

Proposed Amendment: Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

Planning Commission Recommendation:

The Stonecrest Planning Commission met on June 22, 2021 at a Special Called Meeting to take action on four text amendments to the City Code of Ordinances, including TMOD-21-003. After presentation by staff, the Planning Commission took action to **recommend approval of TMOD-21-003** to the City Council as presented by staff with one minor modification. Planning Commission inserted the word “each” in subsection 4.2.28. F. to read as follows:

- F. Facility must include at least two bathrooms, each capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

The staff report presented to the Planning Commission is attached for reference.



PLANNING COMMISSION STAFF REPORT

MEETING DATE: June 22, 2021

GENERAL INFORMATION

- Petition Number:** TMOD 21-003
- Applicant:** Stonecrest Planning & Zoning Department
- Project Location:** City-Wide
- Proposed Amendment:** Text amendment to modify Chapter 27 of the Zoning Ordinance to address Gas Service Stations.

FACTS AND ISSUES: Amendments to the City’s supplemental use regulations regarding gas service stations have been openly debated and discussed since at least 2019 when the city updated the Stonecrest Overlay District. Based on addressing concerns that there has been an over proliferation of such uses, staff has offered the following recommended changes:

- Removing the exemption for a Special Land Use permit for Alcohol outlets accessory to convenience stores and gas pumps.
- Modifying the location criteria for facilities with fuel pumps, requiring that they be located at the corner of arterial roadways as designated on the City’s functional classification map in the comprehensive plan.
- Requiring that such facilities include at least a 5,000 sf of retail space.

There has been concern about the proliferation of gas service stations in the City, and their negative impacts on adjacent neighborhoods. These updated regulations allow Planning Commission, and City Council more opportunities to review Special Land Use Permits on a case by case basis for these uses. The updates also ensure tighten up the location criteria for such uses restricting where they can be placed.

OPTIONS: Table, Deny, Approve, Approve with modifications



PLANNING COMMISSION STAFF REPORT

RECOMMENDED ACTION: Recommend Approval to the City Council

ATTACHMENTS:

- (1) Track Changes version of the City Code Ordinances as they relate to TMOD-21-003

Track Changes summary of Proposed Amendments to the Zoning Ordinance related to TMOD-21-003

Sec. 4.2.8. - Alcohol outlets, retail, package liquor store.

- A. Package stores, ~~unless part of a mixed used development,~~ shall not be located:
 - 1. Within 1,000 feet of an existing package store or alcohol outlet;
 - 2. Within 600 feet of any residence, church, school, school building or grounds, educational facility, college campus, or sexually oriented business; or
 - 3. Within 600 feet of a substance abuse treatment center owned, operated or approved by the state or any county or municipal government.
- B. Alcohol outlets shall not be located:
 - 1. Within ~~300-600~~ feet of any school building, school grounds, educational facility, college campus, or sexually oriented business; or
 - 2. Within 600 feet of a substance abuse treatment center owned, operated, or approved by the state or any county or municipal government.
- C. For the purpose of this section, distance shall be measured according to chapter 4.
- D. For alcohol sales as an accessory use to retail, the area devoted to the sale and storage of alcohol shall not exceed 20 percent of gross floor area.
- E. The sale or distribution of individual cups and individual servings of ice at package stores is prohibited.
- F. Alcohol outlets accessory to convenience stores with gas pumps ~~do not~~ require a special land use permit ~~if the convenience store and gas pumps meet the criteria of section 4.2.28D.~~

Sec. 4.2.28. - Fuel pumps, accessory.

- A. Upon the minor redevelopment of existing structures or buildings, as defined in section 28-8.1.16, that also requires a land disturbance permit or building permit, the director may require additional improvements to landscaping, signage, parking lots, sidewalks, or building facades. Any minor redevelopment of existing structures, buildings, and physical appurtenances is permitted by right if such changes result in greater conformity with the specifications of this section.
- B. Gas station and convenience store design shall comply with the design standards and transitional buffer requirements set forth in article 5 of this chapter.
- C. The following standards apply to all gas pumps:
 - (1) ~~The primary building (i.e., convenience store or automobile service station) shall be exempt from primary building setbacks if located in activity centers. All associated light fixtures shall be directed away from surrounding residential neighborhoods~~
 - (2) Canopies covering gasoline dispensers shall be set back not less than 15 feet from all street rights-of-way.
 - (3) Canopy height shall not exceed the greater of 20 feet or the height of the principal building.
 - (4) Canopies and their columns shall be complementary to the overall color scheme and building materials scheme of the building facade to which the canopy is necessary.
 - (5) Canopy lighting shall not extend beyond the area immediately beneath the canopy and all fixtures shall be recessed, including any fixture or lens. Lighting shall project inward and downward, shall not have any spillover to adjacent properties, and shall cut off no later than 30 minutes after closure of the facility.

- (6) Automobile service stations with gas sales shall have a capacity to store one car per bay (car area in front of a pump), so as not to interfere with driveway ingress and egress traffic flow.
- (7) A minimum of 30 feet is required between a property line and the nearest gasoline pump.
- (8) Owner and operator are responsible for daily litter clean-up to ensure that property remains free of litter, trash, and debris.
- (9) When a separate retail or restaurant use is located on the same property as fuel pumps, there shall be separate and distinct parking spaces for each use.
- (10) The use of light emitting diodes, neon lights, and illuminated panels placed around the windows or on the outside of the building is not prohibited, but must not be visible from or face adjacent residential uses.

D. Location criteria. Fuel pumps associated with convenience stores, gas stations, and service stations ~~require a special land use permit in activity centers. In all other character areas a special land use permit is required unless that facility can~~ must meet ~~at least three of the~~ following criteria:

1. Facility is located within ~~400-100~~ feet of an intersection of a major arterial street and a major or minor arterial street, or located within ~~1,000~~500 feet of ~~an intersection within an interstate highway intersection with an arterial street as designated on the Functional Classification Map in the City Comprehensive Plan.-~~
2. Facility is accessible via direct ~~and or~~ secondary access ~~to two roads, either through a secondary street or by interparcel or other shared access.~~
3. Facility ~~is a new building or~~ includes at least 5,000 square feet of retail space. ~~or facility is part of a major redevelopment, as defined in section 27-8.1.16.~~
4. ~~No more than two facilities may be located at any given intersection. Facility includes at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.~~
5. Except for facilities located at the same roadway intersection, facilities cannot be located closer than 1,500 feet apart.

E. 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.

~~F. Facility includes~~ must include at least two bathrooms capable of serving at least three persons at a time, open to the public, and compliant with the Americans with Disabilities Act.

~~FG.~~ FG. If a reverse frontage design is proposed the primary building shall be located close to the street to define street edge. Pump islands shall not be located between the building and the street, but shall be placed behind or to the side of the primary building. The facade of the primary building located closest to the street shall include architectural features and shall have an active entrance either on the side or rear, with clear unobstructed pedestrian access from the public sidewalk. The street facade shall have at least 25 percent fenestration or faux fenestration.

~~GH.~~ GH. Service areas, storage areas, and trash enclosure shall be oriented away from public view and screened from adjacent properties.

~~HI.~~ HI. Facilities must provide a two-foot-high masonry wall with landscaping and/or an evergreen hedge to help screen the pumps from view from a public right-of-way.