

July 21, 2017



CITY OF TUCKER

Tim Lampkin, AICP
Planning and Zoning Department
City of Tucker
4119 Adrian Street
Tucker, GA 30084

JUL 24 2017

RECEIVED

SLUP-17-004
VS-17-004-01
VS-17-004-02
VS-17-004-03
VS-17-004-03

Via Overnight Delivery

RE: Special Land Use Permit and Concurrent Variance Application – Proposed Speedway Store
#100885 5448 E. Ponce De Leon Avenue

SLUP-17-005

Dear Mr. Lampkin:

On behalf of Speedway LLC, I am transmitting the enclosed information for a Special Land Use Permit and Concurrent Variance application for the proposed Speedway store #100885 at 5448 E. Ponce De Leon Avenue. As you know, Speedway has a contract to purchase 3.7 acres from Stone Mountain Industrial Park and intends to build a convenience store with fuel sales. Application is being made to approve a Special Land Use Permit for the sale of fuel and the sale of alcohol. Concurrent variances are also requested related to outside display, fuel canopy height, the number of driveways and the spacing of driveways.

Enclosed I am transmitting the following information:

- Land Use Petition Checklist and Application Form
- Pre-Application Meeting Form
- Written Legal Description
- Boundary Survey and Proposed Site Plans – 10 full size and 1 reduced size copies
- Color Building Elevation Plan – 1 full size and 1 reduced size copy
- Letter of Intent
- Analysis Standards for Each Special Land Use Permit Request (2 total)
- Analysis Criteria for Each Concurrent Variance (4 total)
- Environmental Site Analysis Statement/Form
- Disclosure Form
- Proposed Trip Generation Letter
- Compact Disc Containing PDFs of the Enclosed Information
- A check for \$2,160.00 for the Special Land Use Permit, Concurrent Variance and Sign Fees

Please review this information and contact me if you determine that additional information is required. Please contact me when the mailing list and sign is ready, and transmit any staff reports or comments when available.

Thank you in advance for your time and coordination. I look forward to working with you.

Sincerely,

Jonathan Woche, AICP, LEED GA

cc: Speedway, QK4
MDC #3864

Planning • Zoning • Development Services

⑥ SLUP 17-005
 CITY OF TUCKER
 JUL 24 2017



678-597-9040 ~ www.tuckerga.gov
 4119 Adrian Street, Tucker, GA 30084

LAND USE PETITION CHECKLIST & APPLICATION FORM
REZONING, COMPREHENSIVE PLAN AMENDMENT,
SPECIAL LAND USE PERMIT & CONCURRENT VARIANCE

RECEIVED
 ① SLUP 17-004
 ② VS-17-004-01
 ③ VS-17-0004-02
 ④ VS-17-0004-03
 ⑤ VS-17-0004-04

INSTRUCTIONS

A properly completed application and fees are due at the time of submittal. **An incomplete application will not be accepted.** Original signatures are required for the Application. **Note: Applicants are highly encouraged to meet with nearby property owners prior to filing an application.**

APPLICATION MATERIALS

REQUIRED ITEMS	NUMBER OF COPIES	CHECK V
Provide one (1) a digital copy of <u>all</u> submitted materials.	• One (1) CD or flash drive in .JPEG, .TIFF, .PDF or .DOC format	<input checked="" type="checkbox"/>
Pre-Application Meeting Form	• One (1) Copy	<input checked="" type="checkbox"/>
Application	• One (1) Copy	<input checked="" type="checkbox"/>
Written Legal Description	• One (1) 8 ½" x 11" Legal Description	<input checked="" type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 16 for Requirements)	• Ten (10) Full-Size (24" x 36") Copies of each • One (1) 8 ½" x 11" Site Plan of each	<input checked="" type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with Article 5)	• One (1) Copy	<input checked="" type="checkbox"/>
Letter of Intent	• One (1) Copy	<input checked="" type="checkbox"/>
Analysis of standards/criteria listed in 7.3.4, 7.3.5, 7.4.6, 7.4.7, and/or 7.5.3	• One (1) Copy	<input checked="" type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input checked="" type="checkbox"/>
Disclosure Form	• One (1) Copy	<input checked="" type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study	• Three (3) Copies	<input type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input type="checkbox"/>
Environmental Impact Report	• Three (3) Copies	<input type="checkbox"/>
Noise Study Report	• Three (3) Copies	<input type="checkbox"/>
Other items required per the Zoning Ordinance	• Three (3) Copies	<input type="checkbox"/>

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PRE-APPLICATION FORM

REZONING, COMPREHENSIVE PLAN AMENDMENT,
SPECIAL LAND USE PERMIT, AND CONCURRENT VARIANCE

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). Please contact Courtney Lankford at clankford@tuckerga.gov to schedule an appointment. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: Speedway

Site Address: 5448 E Ponce de Leon Parcel Size: 3.72

Proposal Description: SLUP for fuel pumps; SLUP for alcohol outlets; 4 concurrent variances

Existing Zoning Designation and Case Number: C-1, 2-92080

Proposed Zoning Designation: C-1 CV: driveway spacing; A of driveways

Proposed SLUP Request: see above CV: outdoor display canopy height

Comprehensive Land Use Map Designation: LND

Overlay District: Mtn. Ind. Blvd. cut 7-19-17

APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>McBride Dale Clarion (Speedway's planners)</u>	NAME: <u>Stone Mountain Industrial Park</u>
ADDRESS: <u>5721 Dragon Way, Suite 300</u>	ADDRESS: <u>1000 Abernathy Road, NE, Suite 325</u>
CITY: <u>Cincinnati</u>	CITY: <u>Atlanta</u>
STATE: <u>OH</u> ZIP: <u>45227</u>	STATE: <u>GA</u> ZIP: <u>30328</u>
PHONE: <u>513-561-6232</u>	PHONE: <u>404-812-4069 (Stan Williams-broker)</u>

CONTACT PERSON: Jonathan Woche, AICP PHONE: 513-561-6232 x 4

CONTACT'S E-MAIL: jwocher@mcbridedale.com

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): C-1 REQUESTED ZONING DISTRICT: C-1

PRESENT LAND USE CATEGORY: Vacant REQUESTED LAND USE CATEGORY: Commercial

LAND DISTRICT(S): 18 LAND LOT(S): 139 ACREAGE: 3.7

ADDRESS OF PROPERTY: 5448 East Ponce De Leon Avenue

PROPOSED DEVELOPMENT: Convenience store with fuel sales and alcohol sales.

CONCURRENT VARIANCES: Driveway spacing, number of driveways, canopy height, outside display (ice & propane).

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units <u>N/A</u>	No. of Buildings/Lots: <u>1</u>
Dwelling Unit Size (Sq. Ft.): <u>N/A</u>	Total Building Sq. Ft. <u>4,608</u>
Density: <u>N/A</u>	Density: _____

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PROPERTY DESCRIPTION

5448 E PONCE DE LEON AVENUE

All that tract or parcel of land lying and being in Land Lot 139, 18th District, DeKalb County, Georgia and being more particularly described as follows:

Beginning at a point at the corner of the intersection of the Northerly Right-of-Way Line of E Ponce De Leon Avenue, (apparent 80' feet wide right-of-way), and the Westerly Right-of-Way Line of Mountain Industrial Boulevard (variable width right-of-way); thence, leaving said Point of Beginning and running with the said line of E Ponce De Leon Avenue

1. 280.48 feet along the arc of a curve deflecting to the left, having a radius of 1,192.47 feet and a chord bearing and distance of South 88° 27' 23" West, 279.84 feet; thence,
2. South 81° 43' 34" West, 88.00 feet; thence, leaving the aforesaid line of E Ponce De Leon Avenue and running
3. North 00° 07' 27" East, 326.71 feet to a ½ inch rebar found; thence,
4. South 89° 03' 55" West, 24.74 feet to a 1 inch crimped top pipe found; thence,
5. North 01° 27' 15" West, 130.28 feet to a ½ inch rebar with cap "Parish 2705" found; thence,
6. South 89° 53' 07" East, 392.22 feet to a PK Nail found on the aforesaid line of Mountain Industrial Boulevard; thence, running with the said line of Mountain Industrial Boulevard
7. South 00° 15' 35" East, 247.18 feet; thence,
8. South 16° 56' 59" West, 36.47 feet; thence,
9. South 00° 07' 49" East, 43.48 feet; thence,
10. South 89° 52' 11" West, 11.00 feet; thence,
11. South 00° 07' 49" East, 28.50 feet; thence,
12. North 89° 52' 11" East, 11.00 feet; thence,
13. South 00° 07' 49" East, 9.75 feet; thence,
14. North 89° 52' 11" East, 4.08 feet; thence,
15. South 16° 26' 54" East, 24.60 feet; thence,
16. South 00° 15' 16" East, 48.18 feet to the Point of Beginning, containing 161,965 square feet or 3.7182 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.

The property described and shown hereon is the same property as described in title commitment NCS-834508-ATL with an effective date of February 1, 2017 prepared by First American Title Insurance Company.

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APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.



7-20-17

Signature of Applicant

Date

Jonathan Wocho - Planner/Agent

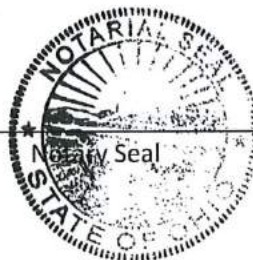
Type or Print Name and Title



7-20-17

Signature of Notary Public

Date



Anne F. McBride
Notary Public, State of Ohio
My Commission Expires 11-21-2019

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17-004-02

17-004-03

17-004-04

SLUP-17-005

PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

I, Stone Mountain Industrial Park, Inc.
Lawrence P. Callahan, President, authorize, Jonathan Woche (McBride Dale Clarion)
(Property Owner) (Applicant)

to file for SLUP, CV, at 5448 East Ponce De Leon Avenue
(RZ, CA, SLUP, CV) (Address)

on this date July 18, 2017
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

[Signature] 7/18/17
Signature of Property Owner Date

Lawrence P. Callahan, President
Type or Print Name and Title

[Signature] 7/19/17
Signature of Notary Public Date Notary Seal



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-004-02
-004-03
-004-03

SLUP 17-005

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4); NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (if party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (if in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

- 1. _____ 5. _____
2. _____ 6. _____
3. _____ 7. _____
4. _____ 8. _____

3. CAMPAIGN CONTRIBUTIONS:

Table with 4 columns: Name of Government Official, Total Dollar Amount, Date of Contribution, Enumeration and Description of Gift Valued at \$250.00 or more. The table is currently empty.

4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Jonathan Woche, ATCP

Signature: [Handwritten Signature] Date: 7-20-17