

MEMORANDUM

To: Planning Commission

From: Allegra DeNooyer, Planner II

Date: June 10, 2025

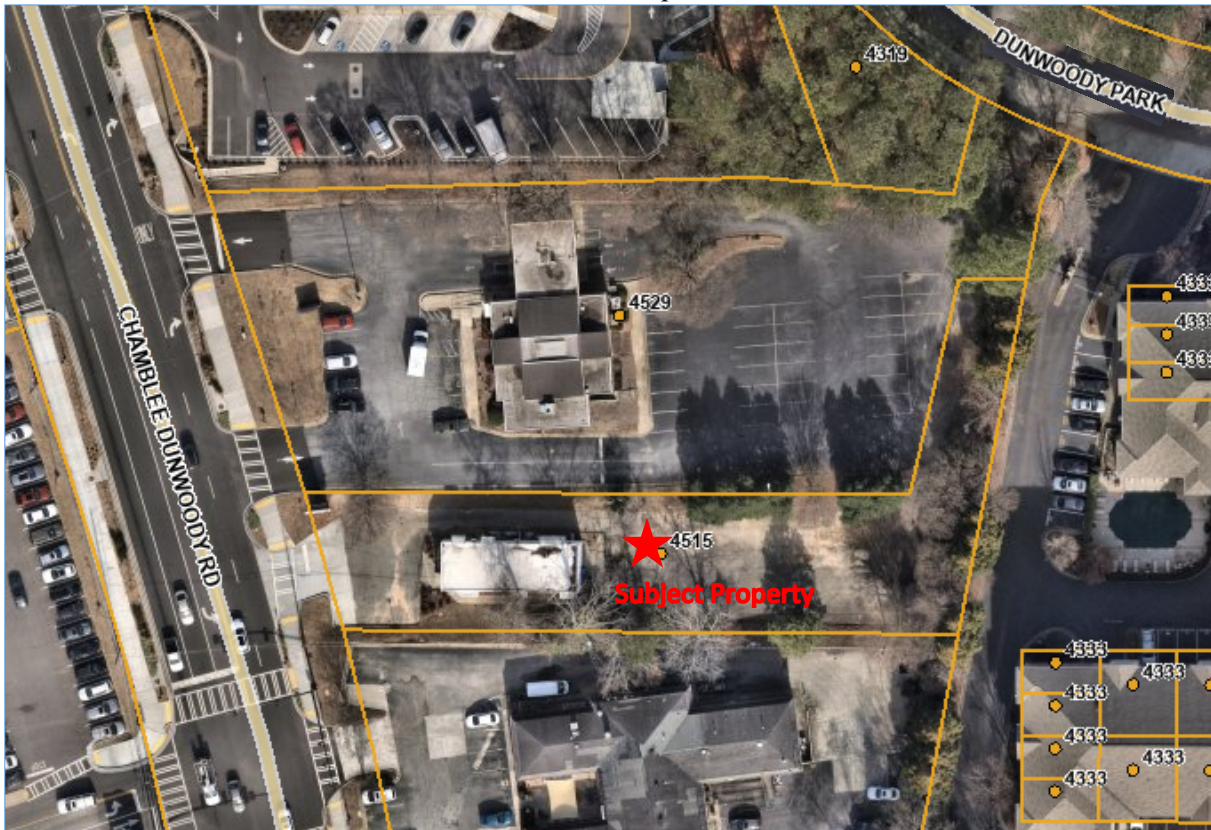
Subject: SLUP 25-03 – 4515 Chamblee Dunwoody Road, Parcel ID # 18 345 10 023

REQUEST

The applicant, Toxaway Automotive Group, c/o The Galloway Law Group LLC, requests a Special Land Use Permit to allow the construction of a drive-through oil change facility. The applicant also requests two concurrent variances: one from Sec. 27-73 to allow relief from the building setback requirements and one from Sec. 27-211(e) to allow relief from the stacking lane setback requirements.

BACKGROUND & PROPOSED DEVELOPMENT

Aerial Map



The subject property, 4515 Chamblee Dunwoody Road, is 0.49 acres and is zoned C-1 (Local Commercial). The Georgetown shopping center is located across the street to the west, a Truist Bank branch is located to the north, the Terraces of Dunwoody condominiums are located to the east, and there is small another shopping center to the south. There is one building currently on the subject property – it was previously used as a hair salon and an insurance agency but is currently vacant.

pedestrian walkway, where parallel to a vehicular travel lane, must be raised above the vehicle travel surface and equipped with accessible curb ramps.

The main vehicular access to the site is via the entrance on Chamblee Dunwoody Road. The applicant also proposes to use an existing driveway connection to Dunwoody Park at the rear of the property to have a second point of ingress and egress. For arterial streets with a speed limit of 35 mph (such as Chamblee Dunwoody Road), the minimum distance between vehicular access points is 245 feet per the City’s land development regulations. The existing ingress/egress on Chamblee Dunwoody Road does not meet this requirement from either the Truist Bank entrance to the north, which is approximately 26 feet away, or the shopping center entrance to the south, which approximately 58 feet away. Driveways in close proximity are considered unsafe due to the increase in the number of conflict points, especially on busy and high-speed streets. Chamblee Dunwoody Road is on the City’s High Injury Network and is listed in the City’s Road Safety Plan as a priority street. Staff therefore recommends that the access on Chamblee Dunwoody Road be right-in, right-out only for access management and traffic safety purposes.

Proposed Elevations



SURROUNDING LAND ANALYSIS

The table below summarizes all of the nearby zoning districts and land uses:

Direction	Zoning	Future Land Use	Current Land Use
N	O-I (Office-Institution)	Commercial	Truist Bank
S	NS (Neighborhood Shopping)	Commercial	Shopping Center

E	O-I (Office-Institution)	Commercial	Terraces of Dunwoody Condominiums
W	C-1 (Local Commercial)	Commercial	Georgetown Shopping Center

SPECIAL LAND USE PERMIT REVIEW AND APPROVAL CRITERIA

Chapter 27, Section 27-359 identifies criteria for evaluating applications for special land use permits. No application for special land use permit shall be granted by the City Council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

- (1) Whether the proposed use is consistent with the policies of the comprehensive plan;
- (2) Whether the proposed use complies with the requirements of this zoning ordinance;
- (3) Whether the proposed site provides adequate land area for the proposed use, including provision of all required open space, off-street parking and all other applicable requirements of the subject zoning district;
- (4) Whether the proposed use is compatible with adjacent properties and land uses, including consideration of:
 - a. 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;
 - b. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;
 - c. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;
 - d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of the character of vehicles or the volume of traffic generated by the proposed use;
 - e. 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; and
 - f. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources.
- (5) Whether public services, public facilities and utilities—including motorized and nonmotorized transportation facilities—are adequate to serve the proposed use;
- (6) Whether adequate means of ingress and egress are proposed, with particular reference to nonmotorized and motorized traffic safety and convenience, traffic flow and control and emergency vehicle access;
- (7) Whether adequate provision has been made for refuse and service areas; and
- (8) Whether the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building.

The drive-through oil change facility is proposed on a property that is zoned C-1 and would be classified as a minor vehicle repair shop in the Zoning Ordinance. Such a use is allowed within the C-1 zoning district by right, and a drive-through is allowed provided a Special Land Use Permit is

approved. The subject site is not historically significant, and staff is not aware of any archaeological resources. The proposed building is in line with the scale of other buildings in the nearby shopping centers, and adequate provision appears to have been made for refuse and service areas.

The proposed site is somewhat small, prompting the two concurrent variance requests to allow relief from the building setback requirements and the stacking lane setback requirements. The small width of the site raises serious concerns about the proposed access to the site. The existing entrance on Chamblee Dunwoody Road is 26 and 58 feet away, respectively, from the adjacent driveways for Truist Bank and the shopping center to the south. This is significantly less than the required 245 feet minimum spacing requirement, which presents potential safety and mobility issues as driveways in close proximity are considered unsafe. Chamblee Dunwoody Road is a congested road close to its maximum capacity for traffic volume and every driveway represents a potential conflict point for motorists, pedestrians, and cyclists. The non-compliant lot width, resulting in the variance requests, will worsen the traffic safety situation at the curb cut. A wider lot would be better able to accommodate wider driveway spacing.

The proposed oil change facility is located along the portion of the Dunwoody Trailway along Chamblee Dunwoody Road. Dunwoody's Trail Master Plan prioritizes providing safe and enjoyable multi-use trails to improve pedestrian and cyclist connectivity and safety. Additionally, both the City's Comprehensive Plan and the Georgetown Master Plan have stated goals of improving connectivity and walkability through increased bicycle and pedestrian facilities. The Georgetown Master Plan specifically mentions the need for access management strategies to limit the number of curb cuts and potential conflict areas along Chamblee Dunwoody Road.

Overall, the purpose of requiring a Special Land Use Permit for a drive-through is to ensure the appropriate of the use for the area and maintain high design standards to mitigate adverse impacts. The proposed oil change facility has the potential for adverse impacts, such as increased traffic posing a safety threat to pedestrians and cyclists using the multi-use path, and conflicts with the access management requirements and the City's goals of increasing connectivity in the Georgetown area. The staff finds that the parcel, due to its location and limited width, does not adequately accommodate the proposed use.

VARIANCE REVIEW AND APPROVAL CRITERIA

Chapter 27, §27-397 identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

- (1) The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;
- (2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;
- (3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
- (4) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;

- (5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
- (6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

The applicant requests two concurrent variances:

1. To allow the proposed oil change facility to encroach into the 20-foot north side building setback by 19 feet.
2. To allow the stacking lanes to encroach into the 25-foot north side stacking lane setback by 21 feet.

The subject property is zoned C-1, which has a minimum lot frontage requirement of 100 feet. The existing lot frontage width of the property is 65 feet, and after the building setbacks are applied, the buildable area is approximately 20 feet wide. This restriction is unique to the subject property, and the building setbacks present a practical difficulty for redevelopment. However, this concurrent variance is included as part of the Special Land Use Permit request, and staff finds that overall, the proposed drive-through oil change facility is not consistent with the spirit and purpose of the comprehensive plan and could be detrimental to public safety due to access management and traffic safety concerns.

The subject property has an existing lot frontage width of 65 feet, and after the stacking lane setbacks are applied, the buildable area for stacking lanes is approximately 15 feet. Stacking spaces must be a minimum of 9 feet wide, so this does not allow for two stacking lanes without encroachment into the stacking lane setbacks. The subject property's limited buildable area is unique and presents a practical difficulty for the applicant. However, this concurrent variance is included as part of the Special Land Use Permit request, and staff finds that overall, the proposed drive-through oil change facility is not consistent with the spirit and purpose of the comprehensive plan and could be detrimental to public safety due to access management and traffic safety concerns.

DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION

Staff does not find the proposed oil change drive-through facility to be consistent with the policies and intent of the Comprehensive Plan and finds that it does not meet the review and approval criteria necessary for approval.

If the Planning Commission should choose to recommend approval of the Special Land Use Permit request and the two concurrent variance requests, staff recommends the following exhibits and conditions:

Exhibit A: Site Plan, prepared by SDG Engineering and dated January 7, 2025

Exhibit B: Elevations, prepared by Align Design Associates and dated March 25, 2025

SLUP 25-01 Application

1. The owner shall develop the site in general conformity with "Exhibit A" and Exhibit "B." Minor changes as defined by Section 27-337(b) or necessary changes to meet conditions of zoning or land development requirements shall be reviewed by the Community Development Director if made necessary by actual field conditions at the time of development.
2. The entrance on Chamblee Dunwoody Road shall be right-in, right-out only and shall be shown on the land disturbance permit site plan prior to issuance of the land disturbance permit. It shall be the applicant's responsibility to pay for and install the right-in, right-out entrance and any median divider subject to the Public Works Director's approval. Designs for a physical

divider and appropriate signage shall be submitted to the Community Development Director for approval during the permitting process.

3. The proposed pedestrian walkway shall be in compliance with the pedestrian circulation regulations and shall be installed prior to issuance of a Certificate of Occupancy.
4. The existing ground sign shall be removed prior to issuance of a Certificate of Occupancy and any new signage on the property shall conform to the City of Dunwoody's Sign Code.

ATTACHMENTS

- Exhibit A: Site Plan, prepared by SDG Engineering and dated January 7, 2025
- Exhibit B: Elevations, prepared by Align Design Associates and dated March 25, 2025
- SLUP 25-03 Application